

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2342 of 2021**

Abhishek Agrawal, S/o. Shri Kamal Chand Agrawal, aged about 29 years,
R/o. Village – Belgaon, Police Station - Dongargarh, District Rajnandgaon
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station –
Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/03/2021

Heard.

1. Admit.
2. At the consent of both the parties, the matter is heard finally.
3. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.562/2020, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 (wrongly mentioned in order sheet as 376 (2) (ढ)) of the Indian Penal Code and Section 4, 6

of the Protection of Children from Sexual Offences Act, 2012 (wrongly mentioned in order sheet only as Section 6 of POCSO Act).

4. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix and her father both have been examined in the trial and they have not supported the prosecution case, therefore, there is nothing left against this applicant. Hence, it is prayed that the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence present in the case diary, the applicant is not entitled for grant of bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Case of the prosecution is this that this applicant abducted the minor prosecutrix of age below 18 years, kept her in his custody for sometime and then exploited her sexually knowing well that she was not capable to give valid consent.
8. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix and her father and it is found that both these witnesses have turned hostile and not supported the prosecution case, therefore, looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram