

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2265 of 2021**

Bhuvan Gour, S/o. Ramji Gour, aged about 23 years, R/o. Village Bhaisakanhar, Chowki Kachhe, Thana Bhanupratappur, District- Uttar Baster Kanker, Chhattisgarh.

---- Applicant

Versus

The State of Chhattisgarh, Through - Police Station Bhanupratappur, District- U.B. Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Ajay Kumhrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**02/08/2021**

1. 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.35/2020, registered at Police Station – Bhanupratappur, District – Uttar Bastar Kanker (C.G.) for the offence punishable under Section 376 (2) (n), 376 (3), 506 Part-2 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 15.02.2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted

that the age of the prosecutrix had been below 14 years and there is diary statement against this applicant, therefore, he should not be granted bail.

4. Complainant had appeared virtually before this Court on 26.07.2021 and made statement of no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant has raped the minor prosecutrix of age below 14 years.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, which shows that she is a hostile witness as she has not supported the prosecution case in any manner, hence, 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge