

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2579 of 2021**

Dani Patel, S/o. Ghanshyam @ Dhannu Patel, aged about 25 years, R/o. Village Ghivri, Police Station and District Bemetara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : S.H.O., Police Station City Kotwali, Bemetara, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vaibhav A. Goverdhan, Advocate
For Respondent/State	: Mr. Ashish Tiwari, Govt. Advocate
For Complainant	: Mr. Ravindra Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/06/2021**

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.85/2021, registered at Police Station – City Kotwali, Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 376 (2) (j), 376 AB, 506 of the Indian Penal Code and Section 5(m), 6 of the 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 prosecutrix and her mother both have been examined in the trial and they have not supported the prosecution case. Therefore, it is prayed that the applicant may be enlarged 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 diary statement and statement recorded under Section 164 of Cr.P.C. is clearly against the applicant. Hence, it is prayed that the application be rejected.
4. Mr. Ravindra Sharma, appearing on behalf of the complainant submits that the complainant has 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 raped the minor prosecutrix, who was of age below 16 year. Hence, this case.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix and her mother and on perusal of the same, it appears that these witnesses have not supported the prosecution case in any manner, hence for this reason, 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