

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2760 of 2021

- Mohit Bhatt S/o Ashok Bhatt Aged About 23 Years R/o Sakin-Chuchrungpur, Thana - Simga, District Baloda Bazar-Bhatapara (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Simga, District Baloda Bazar-Bhatapara (Chhattisgarh)

---- Non-Applicant

For Applicant	: Ms. Supriya Upasane, Advocate
For State/Non-Applicant	: Mr. Alok Nigam, Government Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14.07.2021

1. Heard.
2. This is 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. 401 of 2020, registered at Police Station— Simga, District – Balodabazar-Bhatapara (C.G.), for the offence punishable under Sections 376, 354, 506B of IPC & Sections 4 and 6 of the POCSO Act.
3. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated. He has not committed any offence. The Applicant is in jail since 26.11.2020. The prosecutrix

and her mother have been examined in trial and they have not supported the case of prosecution. Therefore, there is nothing left in the case against this Applicant. Hence, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application submitting that there are other witnesses to be examined in the trial who may establish the prosecution case, therefore, application be rejected.
5. Notice was issued to the complainant, which has been returned served on 09.07.2021, but there is no appearance and no representation from the complainant side.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, this Applicant abducted the minor prosecutrix and then by putting her under threat has exploited her sexually on number of occasions.
8. Considered on the submissions and also perused the certified copies of the deposition of the mother of the prosecutrix and the prosecutrix herself, who are hostile witnesses as they have not supported the prosecution case in any manner. Hence, looking to this development, I am inclined to allow this application.
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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Chandra