

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2721 of 2021**

- Sunil Kumar Bharti, S/o Devchand Bharti, Aged About 20 Years, R/o Balgi, Police-Station-Raghunath Nagar, District-Balrampur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police of Police Station Kartala, District-Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For State/respondent : Mr. Samir Uraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/07/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.12/2021 registered at Police-Station-Kartala, District-Korba(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 20.02.2021. Prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix was minor on the date of incident, therefore, her willingness and consent is immaterial.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Korba on notice. She has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody in confinement and then also exploited her sexually, knowing well that she was not capable to give consent for such relation being minor
7. Considered on the submissions and also perused the certified copy of the deposition of prosecutrix, it is found that she has been declared hostile by the prosecutor for not supporting the prosecution case, hence, looking to this development, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge