

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2966 of 2021**

Anuj Tirkey, S/o. Nirmal Tirkey, aged about 19 years, R/o. Village Lalitpur Nagdadapora, Police Station Sitapur, District Sarguja Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Sitapur, District Sarguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent/State : Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/06/2021

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.21/2020, registered at Police Station – Sitapur, District – Sarguja (C.G.) for the offence punishable under Section 363, 366, 376 (3), 376 (2) (क) of the Indian Penal Code and Section 03 (क)/4 (2), 5 (क)/6, 5 (अ)(ii)/6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Prosecutrix has

been examined, before the Court below, who has not supported the prosecution case, therefore, the prosecutor has declared the prosecutrix hostile, therefore, no case is left against the applicant. The applicant is in jail since 19.11.2020. Hence, 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 there are other witnesses, who are yet to be examined, who may establish the prosecution case. Therefore, the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the applicant abducted the minor prosecutrix and took her to different places and kept her in his custody and developed physical relation with her knowing well that she was minor and not capable to give valid consent, due to which the prosecutrix became pregnant.
6. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, which shows that she is a hostile witness, who have not supported the prosecution case. Since it is a development, which can not be ignored, 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.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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

Hem