

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2893 of 2021**

Abhishek Minj, S/o. Sujeet Minj, Aged About 18 Years R/o Chanchi, Sadakpara, Police Chowki Bariyo, Police Station Rajpur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station Rajpur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/06/2021

1. This is the second 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.98/2020, registered at Police Station – Rajpur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 5 of the Protection of Children from Sexual Offences Act, 2012. The first bail application of the applicant is dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix in M.Cr.C. No. 6808 of 2020 vide order dated 08.12.2020.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has turned hostile, therefore, there is no case present against this applicant. 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 there are other witnesses to be examined in the trial, who may establish the prosecution case, therefore, the application for grant of bail be rejected.
4. The prosecutrix is virtually present on notice before this Court through Help Desk of Balrampur- Ramanujganj and she 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, this applicant abducted the minor prosecutrix of age below 18 years, kept her in his custody and had forceful relation with her knowing that the prosecutrix is not capable to give valid consent.
7. Considered on the submissions. On perusal of the certified copy of the deposition of the prosecutrix, it is found that she has denied her previous statement given to the police and has not supported the prosecution case. 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

Balram