

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2879 of 2021**

Mantu Singh @ Aryan Singh, S/o. Anil Singh, aged about 23 years, R/o. Village Bhatupara Ashram Chowk, Chowki - Manipur, Police Station Kotwali, Ambikapur District - Sarguja Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Amit Singh Chauhan, Advocate
For Respondent/State	: Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/07/2021**

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.20/2020, registered at Police Station – AJAK, Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 363, 366, 376 (3), 376 (2) (क), 506 Part-II, 323 of the Indian Penal Code and Section 3 (क)/04 (2), 5 (क) 6 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 18.12.2020. Prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, there is no case left against this applicant. Hence, it is prayed that the applicant may be enlarged on regular 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 the prosecutrix was minor and not capable to give consent. Further there are other witnesses yet to be examined in the trial, therefore, the application may be rejected.

4. The minor victim is present virtually before this Court on notice through the Help Desk of District Legal Services Authority, Ambikapur 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, it is alleged that this applicant enticed the minor prosecutrix with false promise to marry her and then he abducted her, kept her in his custody and had physical relation with her by putting her under threat.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, which shows that she is hostile witness, hence, looking to the development in the trial, 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