

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3362 of 2021**

- Vikas Kumar Khandey, S/o Chatur Prasad Khandey, Aged About 25 Years Caste-Khandey, R/o Pendari, P.S. Chakarbhata, District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station-Akaltara, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Yogendra Chaturvedi, Advocate.

For State/respondent : Mr. Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/08/2021**

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.129/2020 registered at Police-Station-Akaltara, District-Janjgir-Champa(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 23.02.2021. The prosecutrix has been examined in trial and she has turned hostile, 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 the prosecutrix was minor and, further, there are other witnesses yet to be examined in the trial, therefore, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA, Janjgir-Champa on 3.8.2021. She had 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 and had physical relation with her, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Perused the certified copy of the deposition of prosecutrix, which shows that she is a hostile witness as she has not supported the prosecution case. Looking to this development in the case, I feel inclined to allow the bail 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