

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3352 of 2021**

Pranjal Chandrakar S/o Lalit Chandrakar Aged About 22 Years R/o Village Achaud, Police Station Ranchirai, District Balod Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Ranchirai, District Balod Chhattisgarh.

---- Respondent

For the Applicant : Shri Prasoon Agrawal, Advocate.
For the Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.07.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 8622 of 2020 dated 8.2.2021. The applicant has been arrested in connection with Crime No.17 of 2020, registered at Police Station – Ranchirai, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 342, 354, 376(gh)(ka) and 506 read with Section 34 of the Indian Penal Code and Sections 7, 8, 5(cha) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.1.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the

prosecution case. Hence, it is prayed that the applicant 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 on the date of incident the age of the prosecutrix had been only 13 years 9 months and further, there are other witnesses yet to be examined in the trial,. Hence, no case is made out for grant of bail to the applicant.

4. Complainant – Ram Kumar Sahu had appeared on notice before this Court on 14.7.2021 and made a statement of no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on the date of incident, this applicant and the co-accused persons abducted the minor prosecutrix, confined her in a hut where she was raped by this applicant and the co-accused persons simultaneously regarding which, FIR has been lodged.

7. Considered the submissions and the facts present in this case. Perused the certified copy of the deposition of the prosecutrix filed alongwith the application which shows that she has not supported the prosecution case in any manner and denied all the suggestions given by the prosecutor, therefore, she is a hostile witness. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge