

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4040 of 2021

- Sanjay Netam, S/o Sudharan Netam, Aged About 20 Years R/o Village Ondari, Nayapara, Police-Station-Makdi, District-Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Police Station Farasgaon, District-Kondagaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raza Ali, Advocate.
For State/respondent	: Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/09/2021

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.12/2021 registered at Police-Station-Farasgaon, Kondagaon, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(N) of IPC and Section 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 02.02.2021. The prosecutrix has been examined in the trial. She is

hostile witness, hence, 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, she has made statement against the applicant under Section 164 CrPC. In the Court statement also the prosecutrix has admitted the suggestions given by the prosecutor confirming the commission of offence committed by the applicant, therefore, no case is made out for grant of bail, hence, application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA Kondagaon on 23.07.2021. She had stated that she has 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 then on pretext of marrying her he continuously established physical relation with her on number of occasions. Hence, this case.
7. Considered on the submissions and perused the certified copy of deposition of the prosecutrix, which shows that she has been declared hostile by the prosecutor, hence, looking to this development in the trial against this applicant, I feel inclined to allow the 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

Nisha