

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3118 of 2021

- Nanaji @ Sameer Mannade S/o Ghanshyam Mannade, aged about 24
R/o Village Bhatgaon, Thana Komakhan District Mahasamund (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Komakhan, District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent/State	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/06/2021

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. 206/2020 registered at Police – Komakhan, District Mahasamund (C.G.) for the offence punishable under Sections 363, 366 and 376 (2)(n) of the Indian Penal Code and Section 6 of the Protection of Children From Sexual Offences Act.
2. It is submitted that the applicant has been falsely implicated in this case. The Prosecutrix and her father both have been examined and they have not supported the case of the prosecution, therefore, no case is made out against the applicant. He prays to release the applicant on bail.

3. On the other hand, learned counsel for the State opposes the bail application.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that the applicant had abducted the minor prosecutrix and on the pretext of marriage, he committed sexual intercourse with her on various occasions.
6. Considered on the submissions and perused the copy of depositions of the prosecutrix and her father which is filed by the applicant. It is found that these witnesses have not supported the case of the prosecution and have been declared hostile. Looking to this development that has occurred in the present case, I feel inclined to allow the application of this applicant.
7. 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