

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3167 of 2021

- Durgesh Matari S/o Beer Kishor Matari, aged about 20 years R/o Ward No. 10, Fawara Chowk, Saraipali, P.S. Saraipali, District Mahasamund (C.G.) (detail has not mentioned in the impugned rejection order of the learned Court below)

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Yogeshwar Sharma, Advocate
For Respondent/State	:	Mr. Ashish Tiwari, Govt. Advocate

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

29/06/2021

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. 557/2020 registered at Police Station Basna (C.G.) for the offence punishable under Sections 363, 366a, 376 (2) (n) and 376 (3) of the Indian Penal Code and Section 6 of the Protection of Children From Sexual Offences Act, 2012.
2. It is submitted that the applicant has been falsely implicated in this case. The Prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution, therefore, there is no case left against the applicant. He prays that the applicant may be

enlarged on bail.

3. Per contra, learned State counsel opposes the bail application and submits that there are other eye-witnesses to be examined in the case and they are material witnesses, therefore, the bail application may be rejected.
4. The Prosecutrix has virtually appeared before this Court on notice through the help Desk of the High Court. She has no objection in granting bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, the applicant abducted the prosecutrix, kept her in custody and also exploited her sexually knowing well that she is not capable to give her consent being minor.
7. Considered on the submissions. On perusal of certified copy of the deposition of the prosecutrix it is found that she has not made a singular statement against this applicant and she has been declared hostile owing to non-supporting the case of the prosecution. Looking to the current development occurred in the case, I feel inclined to allow this bail application and release the applicant on bail.
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