

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3338 of 2021**

Amit Kurre @ Balla, S/o. Khuman Kurre, aged about 22 years, resident of Rohanshi, Police Station -Palari, District - Baloda Bazar. Current Add Sankra, Police Station Dharsiva, Raipur, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Palari, District Baloda Bazar Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/07/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.187/2018, registered at Police Station – Palari, District Baloda Bazar (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 and 8 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The The applicant is in jail since 06.03.2021. Statement of the prosecutrix under Section 164 of Cr.P.C. clearly shows that there had been an affair between the prosecutrix and the applicant, thus the relationship was

consensual. The prosecutrix has been examined before the trial Court in which she has not supported the prosecution case and the prosecution has declared her hostile. Hence, it is prayed that the applicant may be enlarged on regular 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 the age of the prosecutrix had been only 14 years of age and subsequent to which, she has also given birth to a child during her minority, therefore, there is no case present for grant of bail to the applicant.
4. Complainant - Om Prakash Ratre is present virtually before this Court on notice through the Help Desk of this High Court and he has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix on 03.03.2018 then she was of age only 14 years. She was taken to different places and kept in custody by the applicant and also sexually exploited by him, as a result of which, she became pregnant and gave birth to a child. Subsequently, the applicant has been arrested in this case.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix and finding that she is a hostile witness, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram