

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3501 of 2021

- Prakash Sahu S/o. - Shri Gautam Sahu Aged About 21 Years
Occupation- Private Job, R/o.- Village- Dumarपाली, Police Station And
Tahsil - Dabhra And District- Janjgir-Champa (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Of The Police Station- Tamnar,
District- Raigarh (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Abhishek Saraf, Advocate.

For Non-applicant/State : Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 13.03.2021, in connection with Crime No.82/2021, registered at Police Station- Tamnar, District- Raigarh, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C., 1860 and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 13.03.2021. Charge-sheet has been filed. The prosecutrix and her father both have been examined in the trial and they have not supported the prosecution case. Hence, there is nothing left in the prosecution against this applicant. Therefore, it is prayed that this applicant may be granted

bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that diary statement are against the applicant and further, there are other witnesses yet to be examined. Therefore, this applicant is not entitled for grant of bail.
4. Notice issued to the complainant was returned served on 16.07.2021 but there was no appearance and no representation from the complainant side.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, there are allegations against this applicant regarding abduction of the minor prosecutrix, kept her in his custody and exploited her sexually. Hence, this case.
7. Considered on the submissions. On perusal of the certified copy, depositions of the prosecutrix and her father, it is found that they have not supported the prosecution case, therefore, they have been declared hostile by the prosecution. Hence, looking to this development in trial, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge