

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.3591 of 2021**

- Chaitram Kenwat @ Buddhu S/o Shri Chhotku Ram Kenwat Aged About 22 Years R/o Ward No. 10, Malhar, P.S. Masturi, District Bilaspur Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Belha, District Bilaspur Chhattisgarh

**---- Non-applicant**

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For Applicant : Mr. Achyut Tiwari, Advocate.

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

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**26-07-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The first application M.Cr.C. No.6693 of 2020 is dismissed as withdrawn on 18.11.2020. The applicant has been arrested on 21.01.2020, in connection with Crime No.324/2019 registered at Police Station—Belha, District- Bilaspur, C.G. for offence punishable under Sections 363 and 376 of I.P.C. and Sections 4, 8 and 12 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 21.01.2020. The prosecutrix, her mother and father have been examined in trial, they have not supported the prosecution case. Therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submissions made by the learned counsel for the applicant and submits that the age of prosecutrix has been nearly 13 years on the date of incident. And looking to the evidence present in the case diary, the applicant is not entitled for grant of bail.

4. The complainant- Budhram Yadav, is virtually present before this Court through the Help Desk of this High Court and he has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and also raped her. Hence, this case.
7. Considered on the submissions. Perused the certified copy of deposition of the minor prosecutrix, her father and mother, it is found that all these witnesses have been declared hostile by the prosecutor for not having supported the case of prosecution. Hence, looking to this development in the 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 each 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