

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3611 of 2021

- Ramvijay, S/o Hitram Kushwaha, Aged About 23 Years R/o. Village Kotrahi, Police Station Basantpur, District Balrampur - Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - The Station House Officer, Police Of Police Station Basantpur, District Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ram Narayan Sahu, Advocate.
For State/respondent	: Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2021

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.129/2020 registered at Police-Station-Basantpur, District-Balrampur-Ramanujganj(C.G.) for the offence punishable under Sections 450, 376(2)(N) & 313 of IPC and Section 6 of POCSO Act.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 30.08.2020. The prosecutrix had been examined in the trial and she has not supported the prosecution case, therefore, it is prayed that this applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there are other witnesses to be examined. He may established the prosecution case, the application be rejected.
4. The minor presecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Balrampur on notice. She has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant had enticed the minor prosecutrix and had physical relation with her because of which became pregnant. Subsequent to which the FIR has been lodged.
7. Considered on the submissions and also perused the certified copy of the deposition of prosecutrix, it is found that she has been declared hostile by the prosecutor for not supporting the prosecution case, hence, looking to this development, I feel inclined to allow the application of this applicant.
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

Nisha