

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3734 of 2021**

Satish Patre S/o Bhunesh Patre, Aged About 21 Years R/o Ward No. 15,
Nagar Panchayat Pandatarai, Police Station Pandatarai, District Kabirdham
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Of Police
Station - Taregaon, Jungle, District Kabirdham Chhattisgarh.

---- Respondent

For the Applicant : Shri C.P. Lahrey, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 8865 of 2020 dated 29.1.2021. The applicant has been arrested in connection with Crime No.35 of 2020, registered at Police Station – Taregaon Jungle, District – Kabirdham, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(dha)(3) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.9.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.
5. Heard counsel for both 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 exploited her sexually knowing well that she is not competent to such consent. Hence, this case.
7. Considered the submissions and the facts present in this case. Perused the certified copy of the deposition of the prosecutrix filed alongwith the application according to which, she is a hostile witness as she has not at all supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.
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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nimmi