

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3941 of 2021**

Pulin Sarkar, S/o. Late Shri Sampat Sarkar, aged about 25 years, R/o. Village - P.V. 69, Thakur Nagar, Police Station - Partapur, District- North Baster Kanker (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Partapur, District - North Baster Kanker Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/08/2021**

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.08/2020, registered at Police Station – Partappur, District – North Bastar Kanker (C.G.) for the offence punishable under Section 363, 366, 376, 376 (2) (n), 496 of the Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 13.08.2020. Charge-sheet in this case has been filed. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that the applicant may be released on 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 prosecutrix was minor and further there are other witnesses yet to be examined in the trial, therefore, the application be rejected.

4. The prosecutrix had virtually appeared before this Court on 04.08.2021 and made statement of 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. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually continuously after performance of sham marriage knowing well that she was minor and incapable to give consent.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, which shows that the prosecutrix has been declared hostile, as she has not supported the prosecution case in any manner, hence, looking to this development in the trial, 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