

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3984 of 2021**

- Devkumar Raut, S/o Shri Kamalu Raut Aged About 20 Years R/o Village Kailanpur, Thana Jonk Khariyar Road, District-Nuapada, Orissa

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police-Station-Komakhan, District-Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.

For State/respondent : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/09/2021**

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.110/2019 registered at Police-Station-Komakhan, District-Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 376(3) of IPC and Section 6 of POCSO Act, 2012.
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 28.09.2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, she is not a reliable witness, hence, 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 the prosecutrix was minor and her diary statement is clearly against this applicant, hence, application be rejected.
4. Notice issued to the complainant has been returned served, but there is no appearance and no representation.
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 abducted the minor prosecutrix aged about 17 years and on pretext of marrying her he has exploited her sexually on numerous occasions until she was recovered by the police.
7. Considered on the submissions. Perused the certified copy of the deposition filed by the applicant and on perusal of the same, it is found that the prosecutrix has not supported the prosecution case. Looking to this development in the case, I feel inclined to allow the bail 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