

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4408 of 2021**

- Parshuram Chouhan, S/o Amarsai Chouhan, Aged About 22 Years, R/o Barkhuriya, Thana Lailunga, District-Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through - Police Station Gharghoda, District Raigarh. Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mohit Kumar on behalf of Mr. Sanjay Agrawal, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/08/2021**

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.304/2020 registered at Police-Station-Gharghoda, District-Raigarh(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 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 27.01.2021. The prosecutrix has been examined in 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 the diary statement and the statement of under Section 164 CrPC both are against the applicant, therefore, the application be rejected.
4. Notice was issued to the complainant for fixed date on 3.8.2021, which has been returned served but there is no appearance and no representation from the complainant side on that date.
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 there is allegation against this applicant that he abducted the minor prosecutrix and exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
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