

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4251 of 2021**

- Rajesh Jatwar, S/o Ramesh Jatwar, Aged About 24 Years, R/o. Village - Dhanras, Thana - Katghora, District - Korba Chhattisgarh.

---- Applicant**Versus**

- The State of Chhattisgarh, Through - Police Station - Katghora, District - Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Samir Singh, Advocate.
For State/respondent	: Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/07/2021**

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.73/2021 registered at Police-Station-Katghora, District-Korba(C.G.) for the offence punishable under Sections 376, 506 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 06.04.2021. Prosecutrix has 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 is clear statement of the prosecutrix under Section 161 CrPC and other witnesses against this applicant, hence, the application be rejected.

4. The prosecutrix is virtually present before this Court through the 'Help Desk' of High Court 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 in the year 2000 when the prosecutrix was minor this applicant allured her with promise to marry her and then had physical relation with her on more than one occasions, regarding which FIR has been lodged.
7. Considered on the submissions and also perused the certified copy of the deposition of prosecutrix, which is filed along with the application, 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