

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4564 of 2021**

Rajesh Hemla, S/o. Sukku @ Suklu Hemla, aged about 25 years, R/o. Village Chinna Kodepal, Police Station Modakpal, Police Station Modakpal, District-Bijapur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station Modakpal, District- Bijapur, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate

For Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/08/2021**

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.04/2021, registered at Police Station – Modakpal, District – Bijapur (C.G.) for the offence punishable under Section 376 (झ) (ढ) 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 03.02.2021. Prosecutrix has been examined in the trial and she has not supported the prosecution case in any manner. Hence, 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 there are other witnesses yet to be examined in the trial and the diary statement is against the applicant. Therefore, the application be

rejected.

4. Prosecutrix had virtually appeared before this Court on 05.08.2021 through the Help Desk of D.L.S.A. Dantewada and she has 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, who happens to be maternal uncle of the minor prosecutrix, has committed forceful rape with her on number of occasions on the pretext that he will marry her in future, as a result of which, she became pregnant. Hence, the FIR has been lodged.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix, which shows that the prosecutrix has turned hostile and 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