

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4393 of 2021**

Khemraj Jain @ Raju Jain, S/o. Late Tejmal Jain, aged about 32 years, Resident of Lukupali, Police Station - Komakhan, Tahsil - Bagbahra, District - Mahasamund, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/09/2021**

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.31/2021, registered at Police Station – Komakhan, District – Mahasamund (C.G.) for the offence punishable under Section 376/115, 376/120 (B) of the Indian Penal Code and Section 6/17, 19/21 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 19.02.2021. The prosecutrix has been examined before the trial Court, and she has not supported the prosecution case. 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 the the prosecutrix was minor and further her diary statement is clearly against the applicant. Hence, the application be rejected.

4. The prosecutrix was virtually present before this Court on notice through the Help Desk of D.L.S.A., Mahasamund. She has 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, this applicant had sexually exploited the minor prosecutrix for about one year knowing well that she was minor and not capable to give valid consent. Hence, this case.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix, which shows that she is a hostile witness as she has not supported the prosecution case. The father of the prosecutrix has also not supported the prosecution case. 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