

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4545 of 2021**

Chakradhar Beniyan S/o Narendra Beniyan Aged About 23 Years R/o House No. 85, Ward No.5, Kodenar No. 04, P.S- Kirandul District- Dantewada, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S.- Kirandul, District- Dantewada, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Shrivastava, Advocate.
For the Respondent/State : Shri Shakti Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.08.2021**

Heard.

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.25 of 2019, registered at Police Station – Kirandul, District – Dantewada, Chhattisgarh for the offence punishable under Section 363, 366(A) and 376(2)(N) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 16.4.2019 and has been falsely implicated in this case. The prosecutrix and her father both have been examined in the trial and they have not supported the prosecution case. Hence, it is prayed that the

applicant be enlarged 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 looking to the diary statement of the witnesses present against this applicant and also there are other witnesses yet to be examined in the trial. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of DLSA, Dantewada. She made a statement that she has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, this applicant abducted the minor prosecutrix after enticing he kept her in his custody for sometime until she was recovered by the police.

7. Considered the submissions and the facts present in this case. Perused the certified copy of the deposition of the prosecutrix and her father filed alongwith the application according to which, these witnesses have turned hostile and have not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge