

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4639 of 2021

- Sunil Agariya S/o Devi Agariya Aged About 20 Years Resident Of Village Labji, Police Station And Tahsil Ramanujnagar, District Surajpur Chhattisgarh, At Present Jail Para, Surajpur, District-Surajpur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Rahul Mishra, 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.358/2020 registered at Police-Station-Surajpur, District-Surajpur(C.G.) for the offence punishable under Sections 363, 366-A, 376(2)(n), 506, 323 of IPC and Sections 4 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

13.09.2020. Charge-sheet has been filed. 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 father of the prosecutrix has supported the prosecution case and also there are other witnesses to be examined, therefore, the application be rejected.
4. The complainant had virtually appeared before this Court through the 'Help Desk' of DLSA, Surajpur on 05.08.2021. He had stated that he has 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 this applicant abducted the minor prosecutrix kept her in his custody for some time and exploited her sexually continuously. There is also allegation of threatening and beating the prosecutrix.
7. Considered on the submissions. Perused the certified copy of the deposition of prosecutrix, which shows that she is a hostile witness as she 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

Nisha