

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4847 of 2021**

- Ajit Pardhi, S/o Maya Ram Pardhi, Aged About 18 Years, R/o Maditarai Near Bajrangbali Temple, Police-Station-Dongargarh, District-Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through SHO Police Station-Dongargarh, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Krishna Tandon, Advocate.

For State/respondent : Mr. Samir Uraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/07/2021**

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.493/2020 registered at Police-Station-Dongargarh, District-Rajnandgaon(C.G.) for the offence punishable under Sections 376(3) of IPC and Section 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 02.11.2020. 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 evidence against this applicant regarding the commission of offence of rape with the minor prosecutrix, hence, applicant is not entitled for grant of regular bail.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Rajnandgaon 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 this applicant enticed the minor prosecutrix and then on pretext of marrying her he had physical relation with her, which amounts to commission of offence of rape.
7. Considered on the submissions and also perused the certified copy of the deposition of prosecutrix, 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