

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4738 of 2021**

Roshan Sahu S/o Gareeb Ram Sahu Aged About 23 Years R/o Village Bafra, Police Chauki Jalbandha, P. S. Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The P. S. Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant : Shri S.S. Baghel, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.07.2021**

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.478 of 2020, registered at Police Station – Khairagarh, District – Rajnandgaon, Chhattisgarh for the offence punishable under Section 363, 366, 376 and 506B of the Indian Penal Code and Sections 4 & 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 6.12.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has 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 on the date of incident the age of the prosecutrix had been 13 years only and further, 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. Complainant – Sevakram Sahu and the prosecutrix both are present before this virtual Court through the Help-Desk of the DLSA, Rajnandgaon. The complainant made a statement that he has no 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then had physical relation with her knowing well that she is not competent to give such consent.

7. Considered the submissions and the facts present in this case. Perused the certified copy of the deposition of the prosecutrix filed alongwith the application and it is found that she is a hostile witness and she has not supported the prosecution case. Hence, looking to the 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