

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5335 of 2021**

Yashwant Gendre S/o Bhawar Lal Gendre Aged About 19 Years R/o Tekapara, Nearby Hanuman Mandir, Police Station Bori, District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Jamul, District Durg Chhattisgarh.

---- Respondent

For the Applicant : Shri Amarnath Pandey, Advocate.
For the Respondent/State : Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.09.2021**

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.167 of 2021, registered at Police Station – Jamul, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366-A and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.5.2021 and has been falsely implicated in this case. The charge-sheet has been filed. The prosecutrix has been examined before the trial Court; she turned hostile and has not made any allegation against the applicant. 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.

4. The complainant had appeared on notice before this Court on 24.8.2021 and made a statement of no objection in grant of bail to the applicant.

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

6. The case of the prosecution is that the minor prosecutrix was abducted by this applicant on pretext of marrying her and then, by keeping her in his custody he exploited her sexually. Hence, this case.

7. Considered the submissions and the facts present in this case. Perused the copy of the deposition of the prosecutrix produced alongwith the application, it appears that she has been declared hostile for not supporting the case of the prosecution. Hence, looking to this development, I feel inclined to grant regular bail to the applicant in this case.

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

Nimmi