

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5208 of 2021**

Krishna Kumar Telam S/o. Late Soma @ Sonu Telam Aged About 19 Years
R/o. Village Dhanora Kadampara P.S. Toynar District Bijapur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Of Police Station Toynar, District
Bijapur, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Shri Amit Kumar Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.08.2021**

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.7 of 2021, registered at Police Station – Toynar, District – Bijapur, Chhattisgarh for the offence punishable under Sections 376 & 201 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 6.4.2021 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has been declared hostile for not supporting the case of the prosecution, therefore, no case is made out 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. It is submitted that the prosecutrix was minor on the date of incident. Further, looking to her diary statement, the applicant is not entitled for grant of bail.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Bijapur. She made a statement that she 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 has sexually exploited the minor prosecutrix on pretext of marrying her. Hence, this case.

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 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