

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5407 of 2021

- Shersingh Kashyap S/o Jagat Kashyap, aged about 25 years, R/o Village Dongariguda Para Malgaon, P.S. Nagarnar, District Bastar (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station Nagarnar/Ajak District Bastar (C.G.)

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsiyan, Advocate
For Respondent/State	:	Mr. Anil Tripathi, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/08/2021

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. 105/2020 registered at Police Station Nagarnar/Ajak, District Bastar (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC, Section 6 of the POCSO Act and Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act, 1989.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. The prosecutrix has been examined and she has not supported the case of the prosecution in any manner. It is further submitted that the applicant is in jail since 30/06/2020, charge-sheet has been filed and trial is likely to take time, therefore, the applicant may be released on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the diary statement of the prosecutrix and her statement recorded under Section 164 of the Cr.P.C are clearly against the applicant. Further, the applicant is married person and having children at the time when the offence was committed, therefore, the bail application may be rejected.
4. The prosecutrix has virtually appeared before this Court from the help desk of DLSA, Bastar. She has no objection in grant of bail to the 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 the applicant on the pretext of marriage, abducted the minor girl and kept her in his custody. He also exploited her sexually regarding which the FIR has been lodged.
7. Taking into consideration the certified copy of the deposition of the prosecutrix which is filed along with the bail application, which shows that the prosecutrix has turned hostile as she has not deposed anything against the applicant. Hence, looking to the development occurred in the present case, I feel inclined to allow this bail application and release the applicant on bail.
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