

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5483 of 2021**

Vinod Kumar Nag S/o Late Shankar Nag Aged About 20 Years R/o Shabrinagar, Sukma, Post Office And Police Station Sukma, District Sukma Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Sukma, District Sukma Chhattisgarh.

---- Respondent

For the Applicant : Shri Jai Prakash Shukla, Advocate.
For the Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.09.2021**

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.72 of 2020, registered at Police Station – Sukma, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 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 28.8.2020 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she turned hostile and has not supported the prosecution case, therefore, there is nothing left in this case 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 prosecutrix was virtually present before this Court on 3.9.2021 and she made a statement that she has 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 exploited her sexually knowing well that she is not competent to such consent. 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 according to which, she is a hostile witness as she has not at all supported the prosecution case. Hence, looking to this 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