

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5792 of 2021

- Devendra @ Debu Savita S/o Shri Rameshwar Dayal Savita, Aged About 23 Years (Name Wrongly Mentioned In Impugned Order As Rameshwar Dayar Savita), R/o Sanjay Nagar, Ward No. 16 Jaura, Police Station Jaura, District Muraina (M.P.).

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O., Police Station Devri, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For State/respondent	: Mr. Ankur Kashyap, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2021

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.28/2021 registered at Police-Station-Devri, District-Balod, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(N), 506 of IPC and Sections 4, 5(ठ), 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since

26.04.2021. The prosecutrix has been examined in the trial and she has not made a single statement against this applicant in her deposition, therefore, there is no case present against this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the diary statements are clearly against this applicant. Further, the prosecutrix was minor on the date of incident, therefore, no case is made out for grant of bail to the applicant.
4. Complainant had virtually appeared before this Court through the 'Help Desk' of High Court on 8.9.2021. He had stated that he has objection in grant of bail to this 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 main accused Sourabh Savita abducted the minor prosecutrix brought her to the house of co-accused where she was kept in confinement. This applicant provided food and thus assisted in the commission of crime. The allegation of sexual exploitation is against the main accused Sourabh Savita.
7. Considered on the submissions. Perused the certified copy of deposition of prosecutrix and it is found that she has not supported the case of prosecution, hence, looking to this development, I feel inclined to allow the application of this applicant.
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

Nisha