

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5876 of 2021**

Sandeep Lakra S/o Soma Lakra Aged About 20 Years R/o Ranguwapar,
Narmadapur, Police Station-Kamleshwarpur, District-Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Sitapur, District-
Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rahul Mishra, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.09.2021**

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.5 of 2021, registered at Police Station – Sitapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 457, 325, 307 and 376 of the Indian Penal Code and Sections 3(A) & 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 2.3.2021 and has been falsely implicated in this case. 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. It is submitted that on the date of incident, the prosecutrix was minor and further, the diary statement present is against the applicant. Hence, he is not entitled for grant of regular bail.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

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

6. According to the prosecution case, on the date of incident, this applicant made forceful entry in the house of the prosecutrix and then, he raped her. When the minor prosecutrix objected, this applicant assaulted her with an axe with intention to cause her death. 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