

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5863 of 2021

- Tuleshwar Baghel (Tuleshwar Kashyap Wrongly Mentioned In Impugned Order) S/o Asturam Baghel Aged About 23 Years R/o Village Karitgaon P.S. Nagarnaar, District-Bastar Chhattisgarh.,

---- Applicant

Versus

- State of Chhattisgarh Through P.S. Ajak Nagarnaar, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate.
For State/respondent	: Ms. Akshara Amit, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/09/2021

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.209/2020 registered at Police-Station-Ajak Nagarnaar, District-Bastar, Chhattisgarh for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 6 of POCSO Act, 2012 and Section 3(2)(V) of SC/ST(Prevention of Atrocities) Act.
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

13.12.2020. Prosecutrix has been examined in the trial and she has turned hostile, therefore, there is no case present against this applicant, 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 prosecutrix had been of age below 16 years on the date of incident and there is clear allegation present against the applicant in the diary statement, therefore, the application may be rejected.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA Jagdalpur on notice. She has stated that she has no 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 this applicant abducted the minor prosecutrix and then by keeping her in his custody, he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor. The prosecutrix also happens to be a member of Schedule Tribe.
7. Considered on the submissions. Perused the certified copy of the deposition, which shows that she has not supported the prosecution case in any manner, looking to this development in the case, 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