

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5852 of 2021

- Basant Kumar, Son of Late Laxmi Prasad Chandra, Aged About 23 Years Resident of Bhainsapasra, Pahanda Road Balodabazar, P.S.-City Kotwali Balodabazar, District-Balodabazar-Bhatapara (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through The Police-Station-City Kotwali Balodabazar, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	: Ms. Supriya Upasane, Advocate.
For State/respondent	: Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/10/2021

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.17/2021 registered at Police-Station-Kotwali, Balodabazar, District-Balodabazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 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 21.07.2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, there is no case present against this applicant, therefore, 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 age of the victim had been only 12 years, who was abducted and raped by this applicant, therefore, this is an offence of very serious nature, hence, the application be rejected.
4. Notice issued to the complainant has been returned served for today, but there is no appearance and no representation.
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 of age 12 years, who was then kept in confinement by this applicant and was also sexually exploited on number of occasions. Hence, this case.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix, which is filed along with the application, it is found that she has not supported the prosecution case for which she has been declared hostile by the prosecutor. Looking to this development present in the case, I feel inclined to allow the bail 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