

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6248 of 2021**

Anand Ram S/o Haldhar Ram, Aged About 21 Years Caste Dom R/o Village Sapghara, Police Chowki Kardega, Police Station Tapkara, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Of Police Chowki-Kardega, Police Station District Jashpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.09.2021**

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.25 of 2021, registered at Police Chowki Kardega, Police Station – Tapkara, District Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(I)(N) of the Indian Penal Code and Sections 5(L) & 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 11.2.2021 and has been falsely implicated in this case. The prosecutrix and her father/ the complainant both have been examined before the trial Court and they have not supported the case of the prosecution,

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. It is submitted that the prosecutrix was minor on the date of incident and further, there is evidence present that she was abducted and raped by this applicant. Hence, the applicant is not entitled for grant of regular bail.

4. Notice was issued to the complainant/ prosecutrix.

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 give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Perused the certified copy of the deposition of the prosecutrix and her father which shows that they have been declared hostile and have not supported the case of the prosecution. 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

Nimmi