

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6391 of 2021**

Sunil Kumar Baghela, S/o. Binu Singh Baghela, aged about 21 years, R/o. Village Alwa, Police Station -Dhansuri , District Arvali Gujrat.

---- Applicant**Versus**

State of Chhattisgarh, Through SHO, Police Station - Nandini Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Shalvik Tiwari, Advocate

For Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/09/2021**

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.328/2020, registered at Police Station – Nandini Nagar, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 (2)(n) of the Indian Penal Code and Section 5 (1), 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 02.07.2021. The prosecutrix and her mother both have been examined before the trial Court and they have not supported the prosecution case. Therefore, there is nothing left against this applicant. Hence, it is prayed that the applicant may be released 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 further there are other witnesses yet to be examined in the trial, hence, this application be rejected.

4. Notice issued to the complainant has been returned served 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 the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she was minor and was not capable to give valid consent for such relationship.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix and her mother. It is found that they have not supported the prosecution case for which the prosecutor has declared them hostile. Hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge