

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6182 of 2021

- Mukesh Verma @ Mukku, S/o Anand Verma, Aged About 21 Years, R/o R.D.A. Colony, Block-J, House No. 106, Hirapur, Police-Station-Kabir Nagar, Raipur, District : Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station-Kabir Nagar, Raipur, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate.
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For State/respondent	: Mr. Samir Oraon, Govt. Advocate.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2021

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.128/2019 registered at Police-Station-Kabir Nagar, Raipur, District-Raipur, Chhattisgarh for the offence punishable under Sections 366(क) 370(क) 376, 34 of IPC, under Section 3 of PETA Act and Section 4 & 17 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 29.04.2019. No offence has been committed by this applicant. The main victim has been examined in the trial and she has not supported

the case of prosecution against this applicant. Similarly placed co-accused persons namely-Srikant Tiwari has been granted bail by the co-ordinate Bench in MCRC No.4436/2019 vide order dated 08.08.2019 and Smt. Gouri Yadav has been granted bail in MCRC No.3616/2021 vide order dated 05.08.2021. The applicant is in jail since more than two years, therefore, it is prayed that the 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 diary statements are clearly against this applicant and there are other witnesses to be examined who may establish the prosecution case. It is further submitted that this applicant has criminal history and there are five previous cases registered against this applicant and also looking to the gravity of case he is not entitled for grant of bail. Therefore, this application may be rejected.
4. Notice issued to the complainant has been returned served for today i.e. 20.9.2021, 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, this applicant along with other co-accused Asha Verma used to entice the minor girls by falsely involving them in love relation and subsequent to that he used to push the minor girls to flesh trade by compelling such girls to submit to physical demands of the customers. The prosecutrix in this case is one of such victims.
7. Considered on the submissions. Perused the certified copy of deposition of the prosecutrix, who is the main witness in this case. It is

found, that she was declared hostile by the prosecutor as she did not support the prosecution case, therefore, looking to this development in the trial, 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