

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6361 of 2021**

Roshan Prakash S/o Late Sukhsai Aged About 23 Years Caste Uraon , R/o Village Jashpur Sarnatoli, Police Station Jashpur, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kunkuri, District Jashpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Shri Sameer Oraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.09.2021**

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.17 of 2021, registered at Police Station – Kunkuri, District Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366(1)(N) and 376(3) of the Indian Penal Code and Sections 4 & 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 24.2.2021 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court and she has 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 of age below 16 years on the date of incident and further, the other witnesses to be examined. Hence, the applicant is not entitled for grant of regular bail.

4. Complainant – Manbahal Ram is present before this virtual Court through the Help-Desk of the TLISA, Kunkuri. He made a statement that he has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, 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. Looking to the statement of no objection from the complainant side, 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