

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6459 of 2021**

- Akash Borkar, S/o Madanlal Borkar, Aged About 22 Years, R/o Village Markatola, P.S. Mohla, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station-Mohla, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate.

For State/respondent : Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/09/2021**

Heard.

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.3062 of 2020 vide order dated 22.7.2020 was dismissed as withdrawn.
2. This 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.26/2020 registered at Police-Station-Mohla, District-Rajnandgaon, Chhattisgarh for the offence punishable under Sections 376, 506 of IPC, under Sections 4, 6, 9(२) of POCSO Act, 2012.
3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix has

been examined in the trial and she has not supported the prosecution case, therefore, it is prayed that this applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA Rajnandgaon on notice. She has stated that she has no objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that this applicant on pretext of marrying the minor prosecutrix exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
8. Considered on the submissions and perused the certified copy of deposition of the prosecutrix according to which she has been declared hostile for not supporting the case of prosecution. Looking to this development present in the case, I feel inclined to allow the bail application of this applicant.
9. 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