

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7038 of 2020

- Lavkush @ Pradeep Gupta, Aged About 19 Years, R/o Village Chhivlaha Police Station Mau, District-Chitrakut (U.P.) Present Address- H No. 204, Block R, Indraprasth Colony, Police Station-D.D. Nagar, Raipur, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Station Civil Lines, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shubham Tripathi, Advocate.
For Respondent	:	Mr. B.P. Banajre, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/03/2021

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 His first application MCRC No. 3548/2019 was dismissed as withdrawn.
2. This 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.27/2019 registered at Police Station– Civil Lines, District–Raipur(C.G.) for the offence punishable under Section 363, 376(2)(i) of IPC and Section 4, 6(A) of the Protection of Children from Sexual Offence Act, 2012.
3. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. The applicant is in jail since

15.1.2019. The prosecutrix and her mother both have been examined in the trial and they have not supported the prosecution case, therefore, the circumstances have changed and in favor of the applicant, hence, the applicant be granted regular bail.

4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that looking to the evidence present in the charge-sheet against this applicant he is not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, took her to a hotel where he kept her in confinement and then raped her.
7. Considered on the submissions. On perusal of the certified copy of deposition of the prosecutrix and her mother, it is found that they have not supported the prosecution case, therefore, they are hostile witnesses. For these reasons, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

