

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6498 of 2021**

Karan Kurre, S/o. Bhagwat Ram, aged about 21 years, R/o. Khutrapara,
Police Station Baikunthpur, District Koriya Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police
Station Ramanujnagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Ankur Kashyap, P.L.

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

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.107/2021, registered at Police Station – Ramanujnagar, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 (2-ढ), 376 (3) of the Indian Penal Code and Section 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 27.06.2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is no case present 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 and there are other witness yet to be examined in the trial. Hence, the applicant is not entitled for grant of bail.

4. Prosecutrix is virtually present before this Court on notice through the help desk of D.L.S.A. Surajpur. She has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually on more than one occasions knowing that she was minor and not capable for giving consent.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix, according to which she is a hostile witness as she has not supported the prosecution case, therefore, 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