

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7018 of 2021**

Anuj Bakhla @ Dona S/o Late Pascal Bakhla aged about 18 Years R/o Village Moral, Police Station Jari, District Gumla (Jharkhand).

Presently R/o Tangartoli Jurgoom In house of Laleram, Police Station Jashpur, District Jashpur CG

---- Applicant

Versus

State of Chhattisgarh through Station House Officer of Police Station Jashpur, District Jashpur, CG

---- Non-applicant

For applicant	Mr. Sanjeev Kumar Sahu, Adv.
For non-applicant/State	Ms. Shubha Shrivastava, PL

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****21-10-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 272/2020 registered in police station Jashpur, Distt. Jashpur (CG) for offence punishable under Section 363, 366-A, 376(2)(n) of the Indian Penal Code and Section 5(2) and 6 of the Protection of Children from Sexual Offences Act.
3. Learned counsel for the applicant argued that the applicant has been falsely implicated in this case. He is in jail since 24-5-2021. Prosecutrix and her mother have been examined before the trial Court, in which the prosecutrix has not supported the case of prosecution and her mother has also not fully supported the case of the prosecution, therefore, in view of above, he prays that the applicant be enlarged on bail.
4. On the other hand, the State Counsel opposed the bail application submitting that victim- prosecutrix was minor at the time of incident and charges against the applicant are of serious nature, therefore, the applicant is not entitled for regular bail.
5. Notice was issued to the victim- prosecutrix. She appeared through video conferencing from District Legal Services Authority, Jashpur

along with her aunt (Mausi) and submitted that she has no objection with regard to bail application filed by the applicant. She has also submitted that her statement has also been recorded in the trial Court.

6. I have heard counsel for both the parties and perused the material available.
7. Considered the submissions made by counsel for both the parties, and also perused the certified copy of deposition of the prosecutrix and her mother. In the deposition the prosecutrix has not supported the case of prosecutrix and has been declared hostile by the prosecution, in virtual hearing also, she has submitted no objection with regard to bail application filed by the applicant. Hence, looking to the above facts and circumstances of the case, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail. In case, any default is committed by the applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.
8. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge