

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7014 of 2021**

Anuranjan Kujur S/o Muktilal Kujur aged about 20 years Caste- Uraon,
R/o Sonmuth, Police Station- Sanna, Tahsil- Sanna, District- Jashpur,
CG

---- Applicant

Versus

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

---- Non-applicant

For applicant	Mr. Sanjeev Kumar Sahu, Adv.
For non-applicant/State	Mr. Ankur Kashyap, 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. 39/2021 (wrongly mentioned as Crime No. 29/2021 in the memo of bail application) registered in police station Sanna, Distt. Jashpur (CG) (Special Criminal Case No. 25/2021) for offence punishable under Section 363, 366-A, 376(2)(n) and 313 of the Indian Penal Code and Section 5 and 6 of the Protection of Children from Sexual Offences Act.
3. Brief facts of the case are that the prosecutrix lodged FIR on 7-6-2021 at PS Sanna, Distt. Jashpur to the effect that on the pretext of marriage, the applicant took her who was minor at the time of incident and committed sexual intercourse repeatedly with her from 5-6-2018 to 1-6-2021 and later on, he denied to marry with the prosecutrix.
4. Learned counsel for the applicant argued that the victim- prosecutrix has been examined by the trial Court, but she has not supported the case of prosecution, therefore, there is nothing left in this case against the applicant. He further submits that the applicant is in jail since 9-6-2021. Applicant has been falsely implicated, hence he prays that he be enlarged on bail.
5. 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.

6. Notice was issued to the victim-prosecutrix. She appeared through video conferencing from District Legal Services Authority, Jashpur 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.
7. I have heard counsel for both the parties and perused the case diary and other material available.
8. Considered the submissions made by counsel for both the parties, and also perused the certified copy of deposition of the prosecutrix in which she 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.
9. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge