

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7029 of 2021**

- Patrakar Khalko @ Lojhi S/o Ramchandra Khalko Aged About 23 Years R/o Village Kardoni Police Station Village Lundra, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. Police Station Lundra, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri Shubham Tripathi, Advocate
 For respondent/State : Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25.10.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 11.01.2021 in connection with Crime No.105/2020 registered at Police Station Lundra Distt. Surguja (C.G.), for the offence punishable under Sections 363, 366, & 376(2)(n) of the Indian Penal Code and Sections 5 (I) & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Brief facts of the case is that on 02.10.2020, the applicant abducted minor victim/prosecutrix and committed rape with her for about 02 months. Report was lodged by father of the victim/prosecutrix in Police Station Lundra and FIR under Crime No.105/2020 was registered under Section 363 of the Indian Penal Code. After recovery of victim/prosecutrix and after

completion of investigation, charge sheet under Sections 363, 366 and 376(2)(b) and Section 5 (b) of the Protection of Children from Sexual Offences Act, 2012 was filed against the applicant which is pending before the Additional Sessions Judge, Fast Track Special Court, (POCSO Act), Ambikapur as Session Trial No.22/2021.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the crime in question. He has not committed the alleged offence. He further submits that charge sheet has already been filed by the police and even the victim/prosecutrix, her father and other witnesses have already been examined before the trial Court in which, the victim/prosecutrix has turned hostile. Her father has also not fully supported the case of the prosecution, hence, nothing remains in this case against the applicant. The applicant is in jail since 11.01.2021 and the conclusion of the trial will take long time, therefore, he may be released on bail.

4. Per contra, learned counsel for the State opposes the bail application submitting that it is a case of kidnapping and rape of minor girl. Although the victim has not supported in her court statement to the case of the prosecution, but her father has supported some facts of the case, therefore, bail application may be rejected.

5. I have heard learned counsel for both parties and perused the material available .

6. Considered the submission and perused the case diary. Considering the facts and circumstances of the case and statement of the prosecutrix and her father, who have been declared hostile by the prosecution, and also taking into consideration the detention period of the applicant, his age and totality of the facts of the case, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.50,000/- 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.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE