

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7171 of 2021**

Durgesh Markandey, S/o. Late Nandlal Markandey, Aged About 20 Years,  
R/o. Motimpur Kala, Police Station Kharora, District - Raipur, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station  
Mandir Hasoud, District Raipur, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Manoj Kumar Dube, Advocate

For Respondent : Mr. Ajay Kumrahi, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**17.12.2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.200/2021 registered at Police Station- Mandir Hasoud, District Raipur, for the offence punishable under Sections 363, 366, 376, 376(2)(N), 376(3) of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a missing report was lodged by the mother of the prosecutrix that the present applicant knowing the prosecutrix as minor girl enticed away from the lawful custody and thereafter kept her to different places and stayed; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix has been examined as PW-1 before the Court below and she has not supported the case of the prosecution. He further submits that on 26.10.2021 before this Court also the prosecutrix has no

objection regarding grant of bail of the applicant; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perusal of the record would show that the victim appeared before this Court on 26.10.2021 through video conferencing and she has no objection to grant bail to the applicant but the mother of the prosecutrix objected to it.
6. Having regard to the statement of the prosecutrix, prima facie it appears that she has not supported the case of the prosecution; therefore, without any further observation on merit, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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/-  
**(Goutam Bhaduri)**  
Judge