

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7228 of 2021

- Ajay Kurre @ Nanu S/o Vijay Kurre Aged About 18 Years and 04 months
R/o Village Chandeli, Police Station Pathariya, District Mungeli
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Lalpur, District Mungeli Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dheerendra Pandey, Advocate.

For Non-applicant/State : Mr. Ravi Bhagat, Dy. G.A.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The first bail application in M.Cr.C. No.3023/2020 on 02.06.2020 was dismissed as withdrawn with liberty granted for filing repeat application after examination of prosecutrix. The applicant has been arrested on 09.03.2020, in connection with Crime No.15/2020, registered at Police Station- Lalpur, District- Mungeli, C.G. for offence punishable under Sections 363, 366, 376 and 34 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 09.03.2020. The circumstances have changed in favour of the applicant. As the prosecutrix has been examined in the trial and she has not

supported the prosecution case. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Prosecutrix is present before this Court and on making query whether she has objection or not in grant of bail to the applicant, she is continuously remaining silent, not making any answer.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she is minor and incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions. There is a certified copy of deposition of prosecutrix filed along with the application, it is found that she is a hostile witness as she has not supported the prosecution case. Hence, looking to this development, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge