

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8358 of 2020

Amit Kumar Khunte, S/o Late Faniram Khunte, Aged About 20 Years,
R/o Village- Kosampara, Karmandi, Thana- Urga, District- Korba (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through Police Station - Kotwali Korba, District-
Korba (C.G.)

--- Respondent

For Applicant : Mr. Vikas Pandey, Advocate.

For State/ Respondent : Mr. Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15/02/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 735/2020, registered at Police Station- Kotwali, District- Korba (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.08.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case. No case is made out

against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 16 years on the date of incident and there are clear allegation against this applicant regarding commission of offence, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Notice was issued to the informant/ complainant in compliance of Section 439 (1A) of the Cr.P.C., which has been returned served, but there is no appearance and no representation.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that the applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually, regarding which, FIR has been lodged.
7. Considered on the submissions and the facts present in this case. Perused the certified copy of deposition of the prosecutrix and her mother, filed along with this application and it is found that both have been declared hostile by the prosecutor for not supporting the prosecution case. Looking to this development, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun