

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7782 of 2020**

Lakhan Das Mahant, S/o. Maniyar Das Mahant, aged about 45 years, R/o. Dhongdarha, Police Station Kartala, District Korba Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Kartala, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/01/2021**

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.105/2019, registered at Police Station –Kartala, District – Korba (C.G.) for the offence punishable under Section 376 (2) (K), 376 (2) (n), 506 (II) of the Indian Penal Code and Section 6 R/w. Section 5 (I) and 5 (n) of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix and other witnesses have been examined in the trial, who have not supported the prosecution case in any respect. Therefore, no case is left against this applicant. Hence, it is prayed that the applicant be granted bail.
3. On the other hand, learned counsel for the State opposes the bail

application and the submissions made in this respect. It is submitted that according to the diary statement of the witnesses against this applicant, no case is made out for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution is this that the minor prosecutrix was the step daughter of the applicant. It is alleged that between year 2016 to 2019, this applicant had by putting the minor prosecutrix under threat had raped her on numerous occasions regarding which, FIR was lodged by the prosecutrix herself.
6. Considered on the submissions and also perused the certified copy of the deposition of the witnesses. The prosecutrix has taken total turn about in the statement before the Court, because of which, she was declared hostile by the prosecutor. Similarly mother of the prosecutrix is also a hostile witness, hence, looking to this development in the trial against this applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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