

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7648 of 2021**

Naveen Minj S/o Bhuneshwar Minj Aged About 21 Years R/o Village Beljora-Saopara, P. S. Tahsil Sitapur District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sitapur Ambikapur District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Pathak, Advocate.
For the Respondent/State : Shri Aman Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.11.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 3531 of 2021 dated 15.7.2021. The applicant has been arrested in connection with Crime No.93 of 2021, registered at Police Station – Sitapur, District – Surguja, Chhattisgarh for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Sections 5(L) & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.4.2021 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she turned hostile and has not made any allegation against the applicant. Hence, it is prayed that

the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor of age below 18 years. Hence, the applicant is not entitled for grant of regular bail.

4. The prosecutrix is virtually present before this Court through the Help-Desk of DLSA, Ambikapur. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. As alleged, this applicant abducted the minor prosecutrix on the pretext of marrying her and established physical relationship with her. Hence, this case.

7. Considered the contents of the case-diary and also perused the certified copy of the statement of the prosecutrix in this case in which she turned hostile and not supported the case of the prosecution in any respect. Hence, looking to the development and change in the circumstances, I am of the considered opinion that the applicant deserves to be released on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge