

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7766 of 2021**

- Vishnu Singh @ Vishnu S/o Ramratan Singh, Aged About 21 Years Caste Gond, R/o Village Lai, Thana Podi, District Korea Chhattisgarh

---- Applicant (In jail)**Versus**

- The State Of Chhattisgarh Through Police Station Thana Podi, District Korea Chhattisgarh

---- Respondent

For Applicant	: Shri Hemant Kumar Agrawal, Advocate
For Respondent/State	: Shri Ashish Gupta, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**22.11.2021**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.88 of 2021 registered at Police Station Thana Podi, District- Korea, Chhattisgarh for the offences punishable under Sections 363, 366 and 376(2)(n), 34 of the IPC and Sections 4 and 6 of POCSO (Protection of Children from Sexual Offences) Act, 2012.
2. Case of the prosecution is that on 02.07.2021 at about 11.30 pm in the night, co-accused Dharam Singh made phone call to prosecutrix and called her out. He took her to Railway Station. At that time, present applicant accompanied them. While they were on the way to Dindori, Police intercepted them and arrested applicant along with co-accused Dharam Singh.
3. Shri Hemant Kumar Agrawal, learned counsel for the applicant would submit that allegation levelled of making physical relationship with prosecutrix is against co-accused Dharam Singh. It is he who went to the house of

prosecutrix, called her on phone in night and took her to Railway Station. There is no allegation against applicant that he committed any forceful physical act with prosecutrix or has participated in her abduction in any manner. He only accompanied them. Learned counsel for the applicant referred to statement of prosecutrix recorded under Section 164 of CrPC, as well as her Court statement and submits that there is no allegation against present applicant. Applicant is in jail since 05.07.2021 hence, he may be released on regular bail.

4. Shri Ashish Gupta, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that prosecutrix in her statement recorded under Section 161 of the CrPC, has made specific allegations against applicant of making physical relationship and also of abduction. He read over statement of prosecutrix recorded under Section 161 of the CrPC and submits that applicant is not entitled for benefit under Section 439 of CrPC.

5. Prosecutrix is present through virtual mode through DLSA- Korea along with her brother. She submits that she is having no objection in grant of bail to the applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations against applicant, facts and circumstances of the case, statement of prosecutrix recorded under Section 164 CrPC as well as her evidence before the Court, submission made by prosecutrix through DLSA Korea, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE