

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8443 of 2020**

- Udhav Jhara S/o Goutam Jhara, Aged About 26 Years, R/o Village Ektal, Police Station Chakradhar Nagar, Tahsil and District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Chakradhar Nagar, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Krishna Tandon, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

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

**Order on Board**

**12-02-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-07-2020 in connection with Crime No.174/2020 registered at Police Station – Chakradhar Nagar, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The FIR lodged and the statement of the prosecutrix in the investigation is totally false. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/respondent opposes the application submitting that the age of the prosecutrix on the date of incident was only 14 years and 8 months and there are statement of the prosecutrix and witnesses that this applicant abducted and sexually exploited the minor prosecutrix. Hence, the application may be rejected.

4. The prosecutrix is present in person before this Court on notice. She

has no objection for grant of bail to the applicant.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually, as a result of which she became pregnant. Hence, the FIR has been lodged.

7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix filed along with the application, according to which she has not supported the prosecution and was declared hostile by the prosecutor. Therefore, 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**