

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8412 of 2020**

Sirjeet Ram, S/o. Rajendra Ram, aged about 21 years, Caste Lohar, R/o. Village Manora, Kantabel Road, Police Station Jashpur, District Jashpur Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, 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.165/2017, registered at Police Station – Jashpur, District – Jashpur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 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. FIR lodged against the applicant is totally false. The prosecutrix had been consenting party in this case and she has not supported the prosecution case in her statement before the Court, therefore, nothing is left against the 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 there are serious allegation against this applicant regarding abduction of minor prosecutrix and committing the offence of rape with her. Therefore, he is not entitled 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 this applicant abducted the minor prosecutrix on the pretext of marrying her and by keeping her in his custody, established physical relation with her on number of occasions.
6. Considered on the submissions and also perused the certified copy of the deposition filed along with the petition and it is found that the prosecutrix has been declared hostile by the prosecutor for not supporting the prosecution case, hence looking to this development, 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