

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8021 of 2021

- Shrawan Kumar S/o Balmiki Singh Aged About 23 Years, R/o Gram Lakho, Thana Lakho, Jila- Begusarai (Bihar), Bihar

---- Applicant

Versus

- State Of Chhattisgarh Dwara- Aarakshi Kendra Kotwali Bhilai Nagar, Jila- Durg (C.G.), Chhattisgarh

----Non-applicant

For Applicant – Shri Rajendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Ravi Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-12-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29-10-2020 in connection with Crime No.51/2019 registered at P.S. - Kotwali Bhilai Nagar, Jila - Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.412 of 2021 was dismissed as withdrawn on 08-04-2021. It is submitted that this applicant has been falsely implicated. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. The complainant was issued notice which has been returned served, but there is no appearance and no representation.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody in confinement and also exploited her sexually. Hence, this case.

7. Considered on the submissions and perused certified copy of the deposition of the prosecutrix. It is found that she is a hostile witness as she has not supported the prosecution case. Hence, 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