

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8462 of 2020**

Govardhan Kotangle, S/o. Rajkumar Kotangle, aged about 18 years, R/o. Village Mundgaon, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police of Police Station- Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Nimish Jha, Advocate

For Respondent/State : Mr. B.P. Banjare, Dy.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.172/2019, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 376 of the Indian Penal Code and Section 4 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. The prosecutrix had

been a consenting party in this case. The prosecutrix was not minor on the date of incident and the applicant intends to challenge the ground of minority in the trial. The applicant is in jail since 31.03.2019 and the trial against him is still pending, which is not making any progress, therefore, the applicant is languishing in jail without any fault on his part. The prosecutrix has given statement before the Court mentioning about her consent. 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 is material in the charge-sheet filed against the applicant and also that the prosecutrix is not a hostile witness, therefore, no case is made out 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 and then by keeping her in his custody, he has exploited her sexually by committing the offence of rape. FIR was lodged and after recovery of the prosecutrix, her statement was recorded in which there are allegation against this applicant.
6. Considered on the submissions. As it appears that the applicant is in jail for about two years and the trial is not making any progress, hence only for this reason, 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

Balram