

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8450 of 2020**

- Harish Lakra, S/o Thunnu Lal Lakra, Aged About 23 Years, R/o Village- Lalmati, Police-Station- Ambikapur, District- Surguja, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

For Applicant	: Mr. Rahul Mishra, Advocate.
For State/respondent	: Mr. B.P. Banjare, Dy.Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/01/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.529/2020 registered at Police-Station-Ambikapur, District-Surguja(C.G.) for the offence punishable under Sections 363, 366 & 376(2)(ढ) of IPC and Sections 5(ढ) & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 20.09.2020. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, therefore, nothing is left against this applicant, therefore, it is prayed that the

applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegation of the prosecutrix in her statement in investigation has made clear allegation against this applicant regarding the commission of offence. Hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody, he has exploited her sexually by having physical relation with her on pretext of marrying her.
6. Considered on the submissions and also perused the certified copy of deposition of the prosecutrix, which is filed along with the application, in which, it is found that the prosecutrix has been declared hostile by the prosecutor for not supporting the prosecution case. Looking to this development, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge