

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8071 of 2021

- Mohit Sahu, S/o Ramchand Sahu, Aged About 20 Years, R/o Chandrashekhar Nagar, Infront Of Payal Kirana Store, Lakhe Nagar, Police Station Purani Basti, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Tikrapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate.
For State/respondent	: Mr. Pawan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/11/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.733 of 2021 vide order dated 10.3.2021 was dismissed as withdrawn.
2. This 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.494/2020 registered at Police-Station-Tikrapara, District-Raipur, Chhattisgarh for the offence punishable under Sections 363, 366, 376 IPC and Section 4 of POCSO Act, 2012.
3. It is submitted by the learned counsel for the applicant, that the

applicant has been falsely implicated in this case. He is in jail since 28.11.2020. The prosecutrix has been examined in the trial she has not supported the prosecution case, therefore, it is prayed that the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. Complainant has represented by counsel Govind Prasad Dewangan, it is submitted that the complainant has no objection in grant of bail to the applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, the applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually. Hence this case.
8. Considered on the submissions. Perused the certified copy of the deposition, which shows that she has not supported the prosecution case in any manner, looking to this development in the case, I feel inclined to allow the application of this applicant.
9. 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