

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8014 of 2021

Baleshwar @ Damru S/o Late Ishwar Kashyap, Aged About 24 Years Caste Bhatra, R/o Village Aavri Manjhi, Dhanwa, Police Station Kosagumda, District Nabarangpur, Odisha
----- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Nagarnar, District Bastar Chhattisgarh
----- **Non-Applicant**

For Applicant: Shri Punit Ruparel, Advocate.
For Non-Applicant/State : Shri Vaibhav Kartik Agrawal, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

28.10.2021

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.01/2021 registered at Police Station – Nagarnar, District – Bastar, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 IPC and under Section 6 of the POCSO Act, 2012.
2. Prosecution case in brief is that the present Applicant took the minor prosecutrix along with him on 31.12.2020 and detained her till 04.01.2021 during which period, she was subjected to sexual intercourse for several times on the pretext of marriage.
3. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the crime in question and is languishing in jail since 06.01.2021. He has stated that the prosecutrix has turned hostile and submits a copy of her statement recorded by the

trial Court in which, she did not support the version of the prosecution by saying that no such incident has taken place and therefore, the Applicant may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application.

5. Considering the facts and circumstances of the case, looking to the period of detention, the age of the Applicant, the statement of the prosecutrix wherein, she has not supported the prosecution and the trial is likely to take some time for its conclusion, I am inclined to grant regular bail to the Applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya