

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8696 of 2020**

Nanhu, S/o. Motilal, aged about 19 years, Caste - Baiga, R/o. Village Shankargarh, Police Station and Tahsil Manendragarh, District Koriya Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police of Police Station Janakpur, District - Koriya Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hemant Kumar Agrawal, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy.G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/01/2021**

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.130/2020, registered at Police Station –Janakpur, District – Koriya (C.G.) for the offence punishable under Section 363, 366, 376 (2) (᳚) of the Indian Penal Code and Section 4, 6 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 has been examined in the trial and she has not supported the prosecution case. Hence, there is nothing left against this applicant. Hence, it is

prayed that the applicant may be enlarged on 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 evidence in the charge-sheet against this applicant to be given by other witnesses, therefore, no case is made out for grant of bail. Hence, this applicant is not entitled for grant of bail.
4. Complainant Ramlal Baiga and the prosecutrix both are present before this Court on notice. Complainant has objection in grant of bail to the applicant, whereas the prosecutrix has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then by keeping her in his custody, he has exploited her sexually by having physical relation with her.
7. Considered on the submissions and the facts present in this case. On perusal of the certified of the deposition of the prosecutrix, it is found that she has not supported the prosecution case and has not made any specific allegation against this applicant, hence 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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