

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8579 of 2020**

Prabhudan Baghel S/o Prahlad Baghel Aged About 22 Years R/o Anukul Dev Ward P.S. Bodhghat Jagdalpur District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Bodhghat, District Bastar Chhattisgarh.

---- Respondent

For the Applicant : Shri Pravin Kumar Tulsyan, Advocate.
For the Respondent/State : Shri B.P. Banjare, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.01.2021**

Heard.

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.15 of 2020, registered at Police Station – Bodhghat, District – Bastar, Chhattisgarh for the offence punishable under Sections 363, 366, 376 and 323 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 14.1.2020 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution. Hence, it is prayed that the applicant 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.
4. Heard counsel for both the parties and perused the case diary.
5. The prosecution case is that this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually by having forceful sexual relation with her.
6. Considered the submissions and the facts present in this case. On perusal of the certified copy of the deposition of the prosecutrix, it is found that she has not supported the prosecution in any manner, there is no statement against this applicant and she was declared hostile by the prosecutor. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.
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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge