

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8628 of 2020**

Jagdish Kanwar, S/o. Johan Lal Kanwar, aged about 22 years, R/o. Village Amakhoha, Police Station and Tehsil Kasdol, District (Revenue and Civil) Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station - Gidhauri, District (Revenue and Civil) Balodabazar-Bhatapara Chhattisgarh

---- Respondent

For Applicant	: Mr. Sumit Jhavar, Advocate
For Respondent/State	: Mr. Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/01/2021**

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.172/2018, registered at Police Station –Gidhauri, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 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 was

not minor on the date of incident. She was a consenting party throughout. The prosecutrix has been examined in the trial, where she has given statement in support of 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 the prosecutrix was minor of age below 18 years and there is evidence that she was abducted and raped by this applicant. Hence, the applicant is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution in brief is this that the minor prosecutrix was went missing on 19.08.2000. It is alleged that this applicant abducted her and took her to Delhi, where he kept the prosecutrix in his custody and exploited her sexually, as a result of which, she became pregnant. Subsequent to her pregnancy, she came back and FIR was lodged.
6. Considered on the submissions and perused the certified copy of the deposition of the prosecutrix. The prosecutor has declared her as hostile witness. Looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram