

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8824 of 2020**

Anuj Tirkky S/o Habil Tirkky Aged About 24 Years Caste Uraon, R/o Village Dhingurjor, Police Station Kansabel, Wrongly Mentioned P. S. Kunkuri In Order Sheet, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.03.2021**

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.75 of 2020, registered at Police Station – Narayanpur, District – Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(jha)(dha) of the Indian Penal Code and Sections 4 and 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 27.10.2020 and has been falsely implicated in this case. The prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution, therefore, there is no case

present against this applicant. 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. It is submitted that there are other witnesses yet to be examined in the trial, therefore, the guilt of the applicant may be established in future. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix had appeared before this Court on notice on 25.2.2021 and made a statement of no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The prosecution case is that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually.

7. Considered the submissions and the facts that are present in the case. On perusing the certified copy of the deposition of the prosecutrix and her father, it is found that both these witnesses have turned hostile and not supported the prosecution case in any manner. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

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. 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