

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9063 of 2020**

Lokeshwar Shriwas S/o Shri Daniram @ Laxman Shriwas Aged About 21 Years R/o Village Devgaon, Police Station Sariya, Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The District Magistrate Raigarh Chhattisgarh, Through The Officer In Charge Of Police Station Baramkela, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Roop Naik, Advocate.
For the Respondent/State : Ms. Reena Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.03.2021**

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.175 of 2020, registered at Police Station – Baramkela, District – Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 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 23.9.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the

prosecution case, therefore, nothing is left in the prosecution against the 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. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant abducted the minor prosecutrix and then by keeping her in his custody on pretext of marrying the prosecutrix has exploited her sexually knowing well that she is not competent to give such consent.

6. Considered the submissions and the facts that are present in the case. Perused the certified copy of the deposition of the prosecutrix which shows that she is a hostile witness. 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

Nimmi