

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9048 of 2020

Daljeet Singh Luddhan @ Raja, S/o Baljeet Singh, Aged About 23 Years, R/o. Budhwari Para Ward No. 14, Dongergarh, Tahsil and Police Station- Dongergarh, District- Rajnandgaon (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station- Dongergarh, District- Rajnandgaon (C.G.)

--- Respondent

For Applicant	:	Mr. Shikhar Sharma, Advocate.
For State/ Respondent	:	Ms. Binu Sharma, Panel Lawyer.
For Complainant	:	Mr. Virendra Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/02/2021

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. 433/2020, registered at Police Station- Dongergarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376, 506 of IPC and Section 4 & 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 29.09.2020 and has been falsely implicated in this

case. The prosecutrix has been examined in the trial and she has not supported case of the prosecution at all, therefore, there is no case present against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date of incident and looking to the statement given by her, she was abducted and sexually abused by the applicant, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. Learned counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that the minor prosecutrix of age about 16 years and 8 months, was abducted by this applicant and then, he kept her in his custody, where he exploited her sexually and as a result of which, she became pregnant. The prosecutrix was recovered by the police and on the basis of statement given by the prosecutrix, offences have been registered against the applicant.
7. Considered on the submissions and the facts present in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. is about her willingness and consent. Further, she is minor, but the statement of the prosecutrix before the trial court, shows that she is hostile witness. Copy of deposition has been

filed along with this application for perusal of this Court. Hence, under these circumstances, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that the 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