

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9076 of 2020

Ghanshyam Dhruv, S/o Late Bhururam Dhruv, Aged About 28 Years, R/o Dihi Para, Thana- Nagri, Distt.- Dhamtari (C.G.)

--- Applicant

Versus

The State of Chhattisgarh, Through Police Station- Magarlod, District- Dhamtari (C.G.)

--- Respondent

For Applicant : Mr. Vikas A. Shrivastava, Advocate on behalf of Mr. Samir Singh, Advocate.
For State/ Respondent : Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05/03/2021

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. 150/2020, registered at Police Station- Magarlod, District- Dhamtari (C.G.) for the offence punishable under Section 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 24.08.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the case of the prosecution, therefore, no

case is left 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 there are other witnesses to be examined in the trial, who may establish the case of the prosecution. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. The case of the prosecution is this, that this applicant, by putting the minor prosecutrix under threat, used to exploit her sexually on numerous occasions knowing well that she was not capable of giving consent for such relationship and as a result of which, she became pregnant and gave birth to a child.
6. Considered on the submissions and the facts present in this case. Perused the certified copy of deposition of the prosecutrix and her mother, which shows that both the witnesses have not supported the case of the prosecution in any manner regarding the allegations of the prosecution side. Looking to this development, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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

Arun