

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9361 of 2020**

Bhagwati Gendre @ Sunny, S/o. Santram @ Santkumar, aged about 20 years, R/o. Village - Parasabhader, Police Station - City Kotwali Balodabazar District (Revenue and Civil) - Balodabazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Police Station - City Kotwali Balodabazar, District (Revenue and Civil) - Balodabazar - Bhatapara Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/03/2021**

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.755/2019, registered at Police Station – City Kotwali, Balodabazar, 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 has been examined in the trial and she has not stated anything against this applicant, therefore, she has been declared hostile by the prosecutor, hence, nothing is left against this applicant. Therefore, it is prayed that the applicant may be released 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 to be examined, who may establish the prosecution case. Hence, it is prayed that the application be rejected.
4. Mr. Vinod Tekam, Advocate has given appearance along with the complainant – Mahadev and the prosecutrix. The complainant and the prosecutrix have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that this applicant abducted the minor prosecutrix of age below 18 years, kept her in his custody and exploited her sexually on numerous occasions.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, according to which, she is a hostile witness. Hence looking to this development in the case against this applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge