

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9377 of 2020**

- Aju Bareth S/o Ashok Bareth, Aged About 18 Years R/o Railway Colony Jhopdi Chouk Manikpur, District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Kotwali, District Korba Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sanjay Pathak, Advocate.
For Respondent-State	:	Shri Alok Nigam, Government Advocate.
For Complainant	:	Shri Pramod Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

29.06.2021

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 05.11.2020 in connection with Crime No. 946/2020 registered at Police Station Kotwali, District – Korba (C.G.) for offence punishable under Sections 376 of Indian Penal Code 1860 and Section 3, 4 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 is not supporting the prosecution in any manner. Therefore, no case has been made out against the Applicant. It is prayed that bail may be granted.
3. The learned counsel for the State opposes the bail application and submits that in the trial, the prosecutrix had made allegations against this Applicant, in her diary statement, therefore, the Applicant is not entitled for grant of bail during the pendency of the trial.

4. The prosecutrix is virtually present before this Court through District Legal Services Authority (DLSA), Korba. She has no objection in grant of bail of this Applicant.
5. I have heard the learned counsel for the parties and perused the record.
6. According to the prosecution case, it is alleged that the Applicant established physical relationship with the minor prosecutrix on the pretext of marrying her and thus exploited her sexually regarding which FIR has been lodged.
7. Considered on these submissions and perusal of the certified copy of the deposition of the prosecutrix, it is found that she has been declared hostile witness by the prosecution for not supporting the prosecution case. Hence, looking to this development in this case, I am inclined to allow this bail application. The application is allowed.
8. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby 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 Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge