

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9428 of 2020**

Vedprakash @ Vikki Satnami S/o Deena Satnami Aged About 22 Years R/o Village Salhewar Para, Dhamtari, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Ms. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.06.2021**

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.454 of 2020, registered at Police Station – City Kotwali, Dhamtari, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 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 19.10.2020 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she turned hostile and has not supported the prosecution case, therefore, there is nothing left in this

case 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 the case against the applicant may be established by the statement of other witnesses. Hence, no case is made out for grant of regular bail to the applicant.

4. Suman Bai Satnami, the mother of the prosecutrix is present before this virtual Court through the Help-Desk of the DLSA, Dhamtari, District Rajnandgaon. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then by keeping her in his custody he exploited her sexually by having physical relation with her knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and also perused the certified copy of the deposition of the prosecutrix according to which, she is a hostile witness. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.

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. 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