

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9128 of 2021

- Manoj Prajapati, S/o Ajeer Say, Aged About 22 Years, R/o Sakin Patela Patrapara, Thana Sitapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sitapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Ms. Saumya Sharma and Mr. Rishabh Gupta, Advocates.
For Respondent/State	:	Mr. Sunil Otwani, Addl. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

15/12/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.7569 of 2020 vide order dated 11.01.2021 was dismissed as withdrawn.
2. This 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.57/2018 registered at Police Station-Sitapur, District-Surguja, Chhattisgarh, for the offence punishable under Sections 376(2)(n), 313 of the IPC and Section 6 of

POCSO Act.

3. It is submitted by the learned counsel for the applicant, that applicant has been falsely implicated in this case. The prosecutrix has been examined in the trial Court and she has not supported the prosecution case, therefore, there is no case present against this applicant, hence, it is prayed that his bail application be allowed and he may be granted bail.
4. Learned State counsel opposes the application and submits that there are other material witness yet to be examined, therefore, the application be rejected.
5. Father of the prosecutrix has given appearance today and made statement of no objection in grant of bail to the applicant.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. According to the prosecution case, it is alleged that this applicant enticed the minor prosecutrix and sexually exploited her on numerous occasions because of which she became pregnant. The applicant then administered some medicine for causing abortion of the pregnancy of the prosecutrix. The FIR has been lodged.
8. Considered on the submissions. Perused the certified copy of deposition of the prosecutrix herself. Her present age is 22 years and she has not supported the prosecution case against this applicant, hence, looking to this development in the trial, I feel inclined to allow the bail application of this applicant.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha