

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9983 of 2021**

Santosh Kumar Dewangan S/o Rama Dewangan Aged About 30 Years Caste Panika, R/o Village Kolhua, Police Station Biharpur, (Chandani), Tahsil Odagi, District Surajpur Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through the Station House Officer, Police of Police Station Biharpur, District Surajpur Chhattisgarh -- **Respondent**

For the applicant	:	Mr. Vijay Kumar Sahu, Advocate.
For the Respondent	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****31.01.2022**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.49/2019 registered at Police Station Odagi, Distt. Surajpur (C.G) for the offences punishable under Sections 363, 366(A), 376(2)(n), 376(3), 370, 370(A), 34 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, the applicant along with other accused has allured the prosecutrix and took her to Sagar where she was sold at Rs.30,000/- and thereafter co-accused Naresh knowing well that she was minor, used to commit sexual intercourse with her.
3. Learned counsel for the applicant submits that the prosecutrix was examined before the court below as P.W.2 wherein she has completely disowned the allegations over the present applicant and before this Court when she appeared on 27.01.2022 through video conferencing, she has stated that she has no-objection to grant of bail. He further submits that the charge sheet has been filed and the

applicant is in jail 27.06.2021, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Considering the statement of prosecutrix wherein she has denied the prosecution version and no-objection having been made before this Court for grant of bail, without any observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**