

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2483 of 2016**

Satish Mishra S/o Late Ramlakhan Mishra Aged About 48 Years
R/o Village Jugrajpur, Police Station Kosambi, Uttar Pradesh.
Present R/o Near The Green Glory M. Ahuja Complex, Kachna
Road, Post Office Raipur, Police Station Pandri, Raipur, District
Raipur, Chhattisgarh. (Address Mentioned In The Present Petition As
Per Charge Sheet).

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Pandri, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri Shivendu Pandya, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****2/05/2016**

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 15/12/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 221/2015 registered in Police Station Pandri, Raipur District Raipur (C.G.). for offence punishable under section 377 of the Indian Penal Code & 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case the applicant in between period of 1/01/2015 to 13/09/2015 committed sodomy with the minor boy after showing him obscene video. Subsequently, when the physical pain was reported by the boy, entire fact came to the light.
4. Learned counsel for the applicant submits that victim has been examined and he has not supported the case of the prosecution. He went through the statement of the victim which is filed along with the bail

application and prays for release of the applicant on bail.

5. Learned State counsel opposes the prayer for grant of bail, however he is not able to dispute the fact that victim has turned hostile and has not supported the case of the prosecution.

6. I have perused the statement of the victim and one witness Amar Singh. They have not supported the case of the prosecution. Taking into such statement, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE