

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6526 of 2016**

Pappu Shrivastava, aged about 28 years, son of Shri Rajkumar Shrivastava, R/o Magarpara, P.S. Civil Lines, Bilaspur, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Civil Lines, Bilaspur, District Bilaspur (CG).

---- Non-applicant

For Applicant : Shri Vikas Pandey, Advocate

For Non-applicant : Shri Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/11/2016**

(1) Heard.

(2) This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant in connection with Crime No.180/2015, registered at Police Station Civil Lines, Bilaspur, for the offence punishable under Sections 420, 366, 366-A, 342, 34, 370, 376, 511 of IPC and Section 6 of POSCO Act.

(3) Earlier, the applicant has been arrested on 24.04.2015 and he has been granted bail on 16.06.2015 and now again, he has been arrested on 15.09.2016.

(4) The petitioner was arrested for offence under Sections 420, 366, 366-A & 342 of Indian Penal Code before he has been charge-sheeted and ultimately, he was granted first bail by order of this Court dated 16.06.2015 passed in M.Cr.C. No.2581/2015 and thereafter, the prosecutrix was examined before the trial Court. On 19.08.2015 on the basis of prosecutrix's statement, additional charge-sheet under Section 376 of IPC and Section 6 of POCSO Act have been framed against him on 20.08.2015 and thereafter, the application of the applicant was rejected by the trial Court on 15.09.2016 against which, this second bail application under Section 439 of Criminal Procedure Code has been preferred by the applicant.

(5) The applicant was granted bail by order of this Court dated 16.06.2015 passed in M.Cr.C. No.2581 of 2015 and he has not misused the liberty granted to him by this Court and he regularly appeared before the trial Court on each and every date given to him by the said Court.

(6) Taking into consideration the facts and circumstances of the case, role of the present applicant and the fact that the present applicant has not misused the liberty granted to him by this Court on 16.06.2015 passed in M.Cr.C. No. 2581/2015 and now again, he is in jail since 15.09.2016 and charge-sheet has been filed, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the second bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to

appear before the trial Court on each and every date given to him by the said Court.

(8) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-