

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6565 of 2017

Rajendra Kumar Yadav @ Rajinder S/o Rammilan Yadav Aged About 24 Years R/o Kusumpur Pahadi, Police Station Basantkunj (South) Delhi, At Present Address - Jarve, Police Station - Baradwar, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Respondent

Shri Santosh Bharat, counsel for the applicant/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2017

Heard.

The applicant has been arrested in connection with Crime No.278/2016 registered at Police Station – Baradwar, District Janjgir – Champa (CG) for alleged commission of offences under Section 363, 366 and 376 of IPC read with Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant and other co-accused kidnapped and committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the prosecutrix has now been examined during trial and she has turned hostile and not supported the case of the prosecution, therefore, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes bail application and submits that looking to the nature and gravity of allegations and that the trial is not complete and the girl is minor, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly the submission that the prosecutrix has now been examined during trial and she has not supported the case of the prosecution, turned hostile and completely denied anything wrong done by the applicant to her and the applicant is not likely to abscond or tamper with the remaining prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge