

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8408 of 2016

- Alam Chand @ Golu S/o Krishna Tandon Aged About 24 Years R/o Village Senwar, Police Station Chakarbhatta, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Palari, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Yogesh Chandra, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy.AG

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.294/2016 registered at Police Station Palari, District Baloda Bazar-Bhatapara for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. This is second application for grant of bail. First application for grant of bail was rejected on 02-11-2016.

4. Learned counsel for the applicant submits that the second application for grant of bail has been moved by the applicant after examination of prosecutrix and other important prosecution witnesses on 29-11-2016. He submits that the prosecutrix in her Court statement, has not supported the case of the prosecution and turned hostile. The prosecutrix has clearly stated that nothing happened to her. It is lastly submitted that as the prosecutrix and other important prosecution witnesses have already been examined and the prosecutrix has not supported the prosecution case as also the applicant is not

likely to abscond or tamper the prosecution witnesses, the applicant may be enlarged on bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature of allegation against the applicant and that earlier the bail application of the applicant was rejected only on the ground that the prosecutrix and other important prosecution witnesses have already been examined and the prosecutrix has not supported the prosecution case, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the changed circumstances that the prosecutrix and other important prosecution witnesses have already been examined and the submission that prosecutrix has not supported the prosecution case and turned hostile, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E