

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8443 of 2016

- Anuj Kumar Chandra S/o Lakhan Lal Aged About 22 Years R/o Village Karmandih, Police Station & Tahasil Jaijajipur, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondent

For Petitioner	:	Shri Ishwar Jaiswal, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

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.169/2016 registered at Police Station Jaijaipur, District Janjgir-Champa for the offence punishable under Section 376 of IPC and Section 6 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 First application for grant of bail was dismissed as withdrawn on 02-11-2016.

4. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is less than 18 years of age.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is submitted that the prosecutrix and other important prosecution witnesses have already been examined and the

prosecutrix in her statement recorded under Section 164 Cr.P.C. before the Magistrate, has not made any allegation of sexual intercourse by the applicant and turned hostile, therefore, at this stage, the applicant has revived his application for grant of bail before this Court.

6. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature and gravity of allegation against the applicant, the applicant may not be granted bail.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix and other important prosecution witnesses have already been examined and the prosecutrix has not supported the prosecution case and turned hostile as also denied suggestion that the applicant committed rape on her, the application is allowed.

8. 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