

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.676 of 2017

- Purno Yadav S/o Durjan Yadav, Aged About 27 Years Occupation Agriculture Labour, R/o Chalha, Police Station Kapu, District Raigarh Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Dharamjaigarh, Civil & Revenue District Raigarh Chhattigarh

---- **Respondent**

For Petitioner	:	Shri Manoj Kumar Jaiswal, Advocate
For Respondent	:	Shri Neeraj Sharma, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/02/2017

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.117/2016 registered at Police Station Dharamjaigarh, District Raigarh for the offence punishable under Section 363, 366, 376, 109 & 120-B of IPC and Section 4 & 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 First application for grant of bail was dismissed as withdrawn on 24-10-2016.

4. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix. It is alleged that at the time of commission of offence, the prosecutrix is less than 16 years.

5. Learned counsel for the applicant submits that in changed circumstances that the prosecutrix has died and the report has come that she has committed

suicide, fresh application has been filed. He submits that at present, three witnesses have been examined by the trial Court and they have not supported the prosecution case and at this stage, the applicant may be granted bail as the chances of applicant's conviction in the present case, are bleak.

6. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that mother, father and other persons, who have been cited as prosecution witnesses, have not been examined and in view of the other attending circumstances regarding age of the prosecutrix, medical report, at this stage, the application for grant of bail may be rejected.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and gravity of allegation against the applicant, I am not inclined to grant bail.

8. Accordingly, the application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E