

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 729 of 2017

- Lokesh @ Dadu Baghel, S/o Shri Bhojraj Baghel, Aged About 19 Years, Caste Satnami, R/o Sukrawari Bajar, Indira Nagar, Beergaon, Police Station Urla, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station- Urla, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Malay Kumar Bhaduri, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

1. Heard.
2. This is second bail application under Section 439 of the Cr.P.C. Earlier bail application was rejected by this Court on 15/12/2016.
3. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.85/2016 registered at Police Station Urla, District Raipur for the offence punishable under Section 363, 366, 376 of IPC and Section 4, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.
4. Learned counsel for the applicant argues that there is material change in the circumstances and now prosecutrix has been examined. He further submits that prosecutrix denied that she was subjected to any rape, therefore, at this stage applicant may be granted 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 other material witnesses are yet to be examined, the applicant

may not be granted bail taking into consideration what has been stated by the prosecution under Section 164 of the Cr.P.C before the Magistrate.

6. Taking into consideration the submission of learned counsel for the parties, applicant has remained in jail since 02/04/2016 and trial has not been concluded till date and most important prosecution witness has already been examined and particularly taking into consideration the long detention of the applicant, I deem it expedient to enlarge the applicant on bail. Accordingly, the bail 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)

Judge