

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1471 of 2017

- Baijnath Korwa S/o Bholu Korwa Aged About 21 Years R/o Village Nya Masjidpara, Kankpur, P.S.-Ramanujganj, District - Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ramanujganj, District-Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate
For Respondent/State	:	Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/03/2017

1. Heard.
2. This is second bail application under Section 439 of the Cr.P.C. The applicant has been arrested in connection with Crime No. 77/2016 registered in Police Station Ramanujganj, District Balrampur (C.G.) for the alleged commission of offence under Sections 376, 450 of IPC and 5 (a) & 6 of the Protection of Children for Sexual Offence Act, 2012.
3. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is 14 & 1/2 years of age.
4. Learned counsel for the applicant submits that he has been falsely implicated in this case without there being any involvement. It is submitted that earlier present bail application was rejected on 05/12/2016 in view of prosecutrix statement was recorded under Section 164 of Cr.P.C. now the second bail application has been filed in the changed circumstances that the prosecutrix has been examined in the Court and she has not supported the case of the prosecution and has turned hostile.
5. On the other hand, learned counsel for the State has opposed the prayer for bail looking to the nature of gravity and allegation and many other witnesses who are yet to be examined, therefore, applicant may not be released on

bail.

6. Having considered the submissions made by learned counsel for the parties, particularly now the prosecutrix has been examined in the Court and she has not supported the case of prosecution as stated that report was lodged by her family members only on suspicion, but she had gone to the house of her aunt and she had not eloped with the applicant and the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to enlarge the applicant on bail.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge