

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.1760 of 2017**

- Maniram Banjare S/o Sarasram, Aged About 22 Years R/o Village Janglor, Police Station Palari, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- **Petitioner**

**Versus**

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

---- **Respondent**

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|----------------------|---|----------------------------|
| For Petitioner       | : | Shri J. R. Verma, Advocate |
| For Respondent/State | : | Shri Satish Gupta, G.A.    |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**24/03/2017**

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.358/2016 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. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix, who is less than 18 years.

4. This is second application for grant of bail. Earlier bail application was dismissed as withdrawn with liberty to file, after filing of charge sheet.

5. Learned counsel for the applicant submits that in this case, now the prosecutrix has been examined in the Court and she has not supported the prosecution case and even refused to identify the applicant. It is submitted that in view of aforesaid development and that the prosecutrix, her mother and father

have been examined, who have not supported the prosecution case, turned hostile, therefore, at this stage, the applicant may be granted bail.

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 and that many other prosecution witnesses are yet to be examined, the applicant is not entitled to bail.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix and two other important witnesses have already been examined and they have not supported the prosecution case and turned hostile and further that the prosecutrix has even refused to identify the applicant and not said anything against him, 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**