

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3145 of 2017

Raja @ Lalit Matre S/o Dev Kumar Matre, Aged About 20 Years R/o Village- Ghursena, Police Station Nandghat, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Chhawani, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sandeep Yadav, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/05/2017

Heard.

1. This is the third application for grant of bail to the applicant. This application has been moved by the applicant after examination of the prosecutrix.
2. The applicant has been arrested in connection with Crime No.760 of 2015 registered in Police Station- Chhawani, District- Durg (C.G.) for alleged commission of offence under Sections 363, 366 and 376 IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix and thereafter committed rape on her, who is stated to be minor in age.
4. Learned counsel for the applicant submits that the prosecutrix has been examined during trial and she has not supported the case of the prosecution, turned hostile and has said that nothing happened to her. Therefore, the applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State has opposed the bail application. He submits that looking to the nature and gravity of allegation as the other prosecution witnesses are yet to be examined, the applicant may not be

granted bail.

6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has turned hostile, not supported the case of the prosecution and that the applicant is in jail since 19.8.2016 and also taking into consideration that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to enlarge the applicant on bail.
7. The application is accordingly allowed. 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