

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2926 of 2017

Suryapal @ Prem S/o Ravi Das Aged About 19 Years R/o Village Savatpur, Police Station - Lalpur, District- Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer Police Station Nandghat, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ishwar Jaiswal, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

11/08/2017

Heard.

1. This is the second application for grant of bail to the applicant. His earlier bail application was dismissed as withdrawn.
2. The applicant has been arrested in connection with Crime No.462 of 2016 registered in Police Station- Nandghat, District- Bemetara (C.G.) for alleged commission of offence under Section 354 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. This application has been repeated by the applicant on the ground that the prosecutrix has now been examined and there are three other prosecution witnesses who have also been examined.
4. Learned counsel for the applicant submits that the applicant is being tried for commission of offence under Section 354 IPC and Section 8 of the POCSO Act.

It is submitted that even if the prosecutrix in her statement has stated only regarding wrongful confinement by tying her hands, but she was declared partly hostile. Next submission is that in the overall circumstances of the case as the applicant has remained in jail for last about seven months, at this stage, he may be granted bail, as he is not likely to abscond or in a position to tamper with the prosecution witnesses.

5. On the other hand, learned counsel for the State has opposed the bail application.
6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 2.12.2016 and the trial has not been concluded and that offence alleged against the applicant is of Section 354 IPC and Section 8 of the POCSO, 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