

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3313 of 2017

Puhuplal Khandekar S/o Bhagchand, Aged About 22 Years Caste Satnami, R/o Village Barduli, Police Station Jarhagaon, Tahsil Mungeli, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jarhagaon, District Mungeli, Chhattisgarh.

---- Respondent

Smt. Kiran Jain, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

This is second bail application. First bail application was dismissed as withdrawn.

2. The applicant has been arrested in connection with Crime No.170/2016 registered in Police Station – Jarhagaon, District - Mungeli (CG) for alleged commission of offences under Section 376, 450 of IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he did nothing to the prosecutrix. It is submitted that during trial, the prosecutrix has been examined and she has turned hostile and not made any allegation whatsoever. Therefore, it is submitted that when the most important prosecution witness has been examined, the applicant may be granted bail.

4. On the other hand, learned State counsel submits that the applicant is being tried for a heinous offence and many other prosecution witnesses are yet to be examined. Therefore, the applicant is not entitled to grant of bail.

5. Taking into consideration the submission of learned counsel for the parties,

particularly taking into consideration that the prosecutrix has not supported the case of the prosecution and turned hostile and also that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, this application is 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 Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge