

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4632 of 2017

Shankar @ Chiku Hiyal S/o Shyamlal Hiyal, Aged About 22 Years R/o Permanent Address Siletpara, District Balangir, Odisha. Present R/o B.K.D. 15 Servant Quarter Sector 9, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O., Police Station Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

Shri Avinash Chand Sahu, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/07/2017

Heard.

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 First bail application was dismissed as withdrawn.

The applicant has been arrested in connection with Crime No.655/2016 registered in Police Station – Bhilai Nagar, District - Durg (CG) for alleged commission of offences under Section 376, 313, 506 of IPC and Section 5, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the new application has been filed only after examination of the prosecutrix. Referring to the statement of the prosecutrix, it is submitted that the prosecutrix has turned hostile and not supported the case of the prosecution. It is further submitted that most of the important prosecution witnesses including the prosecutrix has been examined.

3. On the other hand, learned State counsel opposes bail application.

4. Considering the submission, particularly taking into consideration the

submission that the prosecutrix has turned hostile and not supported the case of the prosecution and that the important prosecution witnesses including the prosecutrix has been examined and also considering that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

5. 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