

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4735 of 2017

Anuj Kumar S/o Naihar Sai Aged About 20 Years R/o Village Sakinan Asola,
Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh.

---- **Petitioner**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station A J
K Ambikapur, District Surguja Chhattisgarh. (AJK Inadvertently Could Not Be
Mentioned In The First Bail Application).

---- **Respondent**

Shri Shakti Raj Sinha, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/07/2017

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 First bail application was dismissed as withdrawn.

2. The applicant has been arrested in connection with Crime No.38/2016 registered in Police Station – AJK Ambikapur, District – Sarguja (CG) for alleged commission of offences under Section 376 (2) (n), 450, 294, 417, 506, 34 of IPC and Section 3 (2) (5), 3 (2) (y) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 5 (L) and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The case of the prosecution is that the applicant committed rape on the prosecutrix who is stated to be less than 18 years of age.

4. Learned counsel for the applicant submits that the prosecutrix has been examined and she has not supported the case of the prosecution and declared hostile. He submits that many other prosecution witnesses have also been examined and at this stage, when the applicant has remained in jail since 15/10/2016 and not likely to abscond, he may be granted bail.

5. On the other hand, learned State counsel submits that as the applicant is being tried for commission of offence of heinous crime, he may not be granted bail.

6. Having considered submission of learned counsel for the parties, taking into consideration the submission of learned counsel for the applicant that the prosecutrix has not supported the case of the prosecution and turned hostile and also considering that other important witnesses of the prosecution have already been examined and that the applicant is in jail since 15/10/2016 and not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. 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.25,000/- 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