

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.1178 of 2018**

Mohar Lal, S/o Vijay Yadav, aged about 22 years, R/o Village Karkepa,
P.S. Pasta, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Station House Officer, Police Station
Pasta (Chowki Davra), District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	: Shri Jitendra Shrivastava, Advocate
For Respondent/State	: Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****12.4.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.50 of 2017 registered at Police Station Pasta (Chowki Davra), District Balrampur-Ramanujganj for offence punishable under Sections 363, 366, 450, 376(2-ढ), 494, 417 of the Indian Penal Code and Sections 17, 5-ढ and 6 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the prosecutrix lodged a report that co-accused Sanjay took her to his house and at about 2-3 p.m., the present Applicant came there and committed rape with her.
3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent. He has been falsely implicated in the case. Charge-sheet has been filed. During trial, the prosecutrix did not

support the case of the prosecution and has been declared hostile. The Applicant is in custody since 29.8.2017. Therefore, he may be released on bail.

4. Learned Counsel appearing for the State opposes the prayer for bail.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Having considered the arguments advanced, the facts and circumstances of the case, particularly, the fact that the prosecutrix did not support the case of the prosecution and has been declared hostile and the Applicant is in jail since 29.8.2017, I am inclined to enlarge the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE