

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1980 of 2018

- Sunil Kumar Mahar S/o Bhajan Lal Mahar Aged About 22 Years R/o- Kirghatola, Thana- Chhuriya, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Thana- Chhuriya, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate.
For Respondent/State	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/04/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant. His first bail application was dismissed as withdrawn by the applicant. Applicant has been arrested in connection with Crime No.94/2017 registered at Police Station– Chhuriya, District– Rajnandgaon(C.G.) for the offence punishable under Sections 366 & 376 of the Indian Penal Code and Section 6 Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 11.11.2017. No case is made out against this applicant. The prosecutrix in this case has been examined before the trial Court and she has not supported the case of prosecution because of which she

has been declared hostile. Hence, looking to the development in the circumstances it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, prosecutrix went missing on 25.5.2017. After lodging of missing report, the prosecutrix was recovered on 9.11.2017 from the custody of this applicant. The age of prosecutrix was below 18 years at the time of incident on the basis of the statement given by prosecutrix the offence was registered against this applicant. Hence, this case.
6. Considered on the entire material present in the case diary and also perused the certified copy of the deposition of the prosecutrix filed before this Court, in which, she has been declared hostile for not supporting the case of prosecution and the similar statement has been given by the mother of the prosecutrix also. Looking to the change in the circumstances of this case, I am of this opinion that this is a fit case where applicant should be grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge