

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8058 of 2017**

Padmraj Sahu @ Rakesh Sahu, S/o.Hulasiram @ Tulsiram Sahu, Aged About 30 Years, R/o. Village Sighanpuri, Post -Lagra, Polie Station -Mungeli, District Mungeli, Chhattisgarh, Present Address Near Subhash School Habibganj Bhopal, Police Station -Habibganj Bhopal, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Koni, District Bilaspur (wrongly written as Raipur) Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajeev Kumar Dubey, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/03/2018**

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, who has been arrested in connection with Crime No.202/2014, registered at Police Station –Koni, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act. The first bail application was dismissed on merits vide order dated 22.08.2017 in M.Cr.C. No.4881/2017.
2. It is submitted by the learned counsel for the applicant that circumstances has changed subsequent to the rejection of the first bail application as the prosecutrix has been examined, before the trial Court and she has turned totally hostile without supporting the case of the prosecution and even, the father of prosecutrix being the material witness has also not supported the case of the prosecution. Hence, for

this reason, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was minor at the time of incident, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considered the submissions made and the contents of the case diary and also perused the certified copy of the statement of the prosecutrix in which, she has not supported the case of the prosecution and has been declared hostile. Similarly, the father of the prosecutrix has also been declared hostile by the prosecution before the trial Court. Considering this change of circumstances, I am of this view that no purpose would be served, if the, applicant is kept in detention till the conclusion of trial, hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge