

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2715 of 2018

- Hemant Kumar Badaik S/o Shri Vijay Kumar Badaik Aged About 27 Years R/o Nanhesar, Police Station Sanna, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Shankargaarh, District Balrampur Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. Rajnish Shrivastava, Advocate.

For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

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

26/06/2018

1. This is the second bail application of this applicant. The first bail application of this applicant was dismissed on 19.9.2017 in MCRC No.4159/2017. This bail application has been 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.24/2016, registered at Police Station Shankargaarh, District-Balrampur, (C.G.) for the offence punishable under Sections 363, 366(A), 376 of Indian Penal Code and section 4 of 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 10.5.2016. In the present development of things, the prosecutrix and

her father both have been examined before the trial Court who have been declared hostile for not supporting the case of prosecution, hence, it is prayed that applicant be released on regular 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. The allegation against this applicant is this, that he abducted the minor prosecutrix and raped her.
6. Taking into consideration this fact that the main witness that is the prosecutrix, who has been examined before the trial Court and she has been declared hostile for not supporting the case of prosecution. Looking to this change in circumstances, I am of this view that this is a fit case where applicant should be enlarged on regular 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