

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3055 of 2018**

- Dogendra Singh Sahu S/o Lt. Shyam Sundar Sahu Aged About 21 Years R/o Village Borai Near High School, P. S. Pulgaon, Civil And Revenue Dist. Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Pulgaon, Civil And Revenue Dist. Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Shri Rakesh Thakur, Advocate.

For Respondent. : Shri Sandeep Pandey, Govt. Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****30/05/2018**

Heard.

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 27.09.2017 in connection with Crime No.411/2017 registered at Police Station : Pulgaon, District Durg(C.G.) for the offence punishable under Sections 376, 450 & 506 of the IPC and Sections 5(I), 6 of Prevention of Children from Sexual Offences Act, 2012.
2. The case of prosecution is that the applicant committed rape on the prosecutrix who is minor in age.
3. Learned counsel for the applicant argues that the applicant has falsely been implicated because he had an affair with a girl. He submits that the prosecutrix has been examined during trial and she has turned hostile, not supported the

case of prosecution and has emphatically stated that no rape was committed on her.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the prosecutrix has admitted that report was prepared by her in the police-station itself. Therefore, looking to the nature and gravity of allegation, the applicant may not be granted regular bail.
5. Having considered the submissions made by learned counsel for the parties and having perused the case diary and further, taking into consideration the submission that the prosecutrix did not support the prosecution case, turned hostile and stated that no offence was committed against her by the applicant, I am inclined to grant regular bail to the applicant.
6. The application is accordingly 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 two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge