

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6957 of 2018**

Santosh Kumar Markam S/o Fote Singh @ Dareep Ram Aged About 22 Years R/o Village- Taprekala, Police Station- Lakhanpur, District- Surguja(Ambikapur), Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station- Lakhanpur, District- Surguja (Ambikapur), Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Ms. Rashmi Verma, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.10.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 5007 of 2018 dated 9.8.2018. The applicant has been arrested in connection with Crime No.78 of 2018, registered at Police Station – Lakhanpur, District Surguja, Chhattisgarh for the offence punishable under Sections 363, 366, 376 and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The present development that is taken place is that the prosecutrix in this case has been examined before the trial Court and she has not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case of the prosecution, the applicant abducted the minor prosecutrix aged about 14 years and by putting her under threat, he committed the offence of rape with her. Hence, this case.

6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the prosecutrix. According to the statement before the concerned Court during the trial, she has turned hostile and has not supported the case of the prosecution. Hence, looking to the development and change in the circumstances, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi