

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7786 of 2018**

Kuleshwar Sahu S/o Toran Sahu Aged About 18 Years R/o Behind Hanuman Mandir, Sikola Basti, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Sunita Jain, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.10.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 18.4.2018 in M.Cr.C. No. 1304 of 2018. The applicant has been arrested in connection with Crime No.242 of 2017, registered at Police Station – Mohan Nagar, Durg, District Durg, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.5.2017 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 prosecutrix has been examined before the

trial Court and she has not supported the case of the prosecution. 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. The case against the applicant is that the prosecutrix is a minor girl, this applicant proposed to marry her and then on one occasion, finding her alone, he committed the offence of rape with her. Consequent to which, the prosecutrix became pregnant. Hence, the FIR has been lodged in 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