

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4262 of 2019

- Samaru Singh Gond S/o Sukhiram Gond, Aged About 32 Years, R/o Baraudkhar, Konkona, Tahsil - Pondi, Uroda, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through, Station House Officer, Police Chowki, Manikpur, Police Station Kotwali, District Korba Chhattisgarh., District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-05-2018 in connection with Crime No.325/2018 registered at P.S. - Police Chowki, Manikpur, P.S. Kotwali, District - Korba, Chhattisgarh for the offence under Section 376 of the IPC and Section 4 of Protection of Children from Sexual Offence Act.

2. It is submitted on behalf of the applicant that this is repeat bail application. The earlier application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail, MCRC No.3649/2019 was dismissed as withdrawn on 14-06-2019. The applicant is innocent and he has been falsely implicated in this case. He is in jail since 18-05-2018. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, therefore, there is nothing left in the prosecution. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. On perusal of the deposition of the prosecutrix which is filed in record of MCRC No.3649 of 2019 it is found that the prosecutrix has been declared hostile by the prosecution for not supporting the prosecution case. Therefore, looking to this development, I feel inclined to allow this application.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge