

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9624 of 2018**

- Jayram Jaiswal S/o Babulal Jaiswal Aged About 18 Years and 6 months R/o Village Kansari Chowki Khudiya ,police Station Lormi District Mungeli Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through The Incharge Outpost Khudiya ,police Station Lormi District Mungeli Chhattisgarh

---- Respondent

For Applicant	:	Ms. Nirupama Bajpai, Advocate
For Respondent/State	:	Shri R.K. Bhagat, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/01/2019**

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 19.12.2017 in connection with Crime No.541/2017 registered at Police Station Outpost Khudiya, Police Station Lormi, district Mungeli (CG) for the offence punishable under Sections 363, 366, 376 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The First Bail Application bearing M.Cr.C. No.2520 of 2018 was dismissed as withdrawn on 14.05.2018 with liberty to repeat the same after examination of the prosecutrix.
3. Learned counsel for the applicant submits that now the prosecutrix has been

examined as PW-2 and the statement of the prosecutrix would show that it is completely contradictory and no allegations have been attributed against the applicant and the prosecutrix has not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perusal of the statement of the prosecutrix would show that the prosecutrix has turned hostile and the father of the prosecutrix has also not supported the case. Considering the same without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu