

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4553 of 2020

- Govind (Govinda) Kumar Kenwat S/o Shankar Sai Aged About 19 Years
Caste- Kenwat, R/o Village- Korwa (Aamapara), Police Station-
Jainagar, Tahsil And District- Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Out Post- Latori, Police Station-
Jainagar, Tahsil And District- Surajpur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant/State : Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

21-09-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The first application M.Cr.C. No.1336/2020 was dismissed on merits vide order dated 02.06.2020. The applicant has been arrested on 12.11.2019 in connection with Crime No.307/2019, registered at Police Station- Outpost : Latori, Police Station- Jainagar, Tahsil and District- Surajpur, C.G. for offence punishable under Sections 363, 366 & 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the circumstances have changed as the prosecutrix has been examined before the trial Court and she has not at all supported the prosecution

case and the copy of deposition has also been filed for the perusal of the Court. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has categorically made a statement against this applicant regarding commission of offence in the investigation, therefore, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. On perusal of the certified copy of deposition of prosecutrix filed along with the petition, it is found that she has not supported the prosecution case because of which, the prosecutor has declared her as hostile witness. 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 local 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