

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5163 of 2020**

- Dudhirama S/o Dudhi Sukda Aged About 22 Years, R/o Village Lendiras, Police Station- Gadiras, District- Sukma, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gadiras, District Sukma, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Praveen Dhurandhar, Advocate.
For State	:	Mr. Sudeep Agrawal, Dy. A.G.
For Objector/Prosecutrix	:	Mr. Munna Lal, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/11/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.17/2019 registered at Police Station- Gadiras, District- Sukma, C.G. for the offence under Section 376(3) of IPC and Section 6 of POCSO Act.
2. Prosecution case is that the applicant committed rape on the prosecutrix. According to the prosecution, prosecutrix is a minor.
3. Learned counsel for the applicant would argue that the prosecutrix has now been examined in the trial Court and she has not supported the case of the prosecution and turned completely hostile and deposed that the applicant did nothing to her.
4. On the other hand, learned State Counsel opposes and submits that the offences are grave in nature and trial is not completed, therefore, bail may not be granted.
5. Learned counsel for the objector states no objection to grant of bail.

6. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the prosecutrix has already been examined by the trial Court and the submission of learned counsel for the applicant that the prosecutrix has not supported the case of the prosecution and deposed that the applicant did not do anything to her, at this stage, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application is 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/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge