

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5577 of 2020**

- Vijay Bandhe @ Daddu, S/o Shri Dhanesh Bandhe, Aged About 23 Years R/o Satnamipara, Dongargarh, District - Rajnandgaon Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Police Station Dongargarh, District - Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:	Shri Keshav Dewangan, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/09/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.627/2019 registered at Police Station – Dongargarh, Distt. - Rajnandgaon (CG) for alleged commission of offences under Section 363, 376 (2) (N) of IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant abducted the prosecutrix and committed rape on her.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. The prosecutrix has now been examined before the Trial Court and she has not at all supported the case of the prosecution and turned completely hostile. He submits that at this stage, when the most important witness of the prosecution has been examined, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes prayer and submits that present is a case of grievous offence of rape on a minor girl. He would submit that the trial is going on and many witnesses are yet to be examined, therefore, this Court may not call upon appreciation of evidence recorded during trial.

5. Considering the submission of learned counsel for the parties, particularly, taking into consideration that the prosecution has not been examined, without commenting on the merits of the case but only taking note of the submission that prosecutrix has not supported the case of the prosecution, in the opinion of this Court, present is a fit case for grant of bail.

6. Accordingly, the 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 for 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 make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge