

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 364 of 2021**

- Amosh Kujur S/o Late Sano Kujur Aged About 20 Years Caste- Uraon, R/o Village- Rokbahar, Chowki- Kotba, Police Station- Bagbahar, District- Jashpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Tumla, District- Jashpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Prabhakar Tiwari, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/02/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.17/2020 registered at Police Station – Tumla, District – Jashpur (C.G.) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 4, 6 of POCSO Act, 2012.
2. Prosecution case is that the applicant abducted and committed rape on the prosecutrix who is minor in age.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he has not committed any offence. He would submit that earlier, bail application filed by the applicant was dismissed as withdrawn with liberty to revive at an appropriate stage. This repeat bail application has been filed in the changed circumstances as now, the prosecutrix herself has been examined in the Court and she has not supported the case of the prosecution and suggestion of the prosecution regarding criminal overt act of the applicant has been emphatically denied. Therefore, at this stage, it is prayed that the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that the allegations are serious in nature and trial is still going on. It is submitted that in the statement made by the prosecutrix before the Magistrate also, she narrated the story.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has now been examined in the Court and also the submission of learned counsel for the applicant that the prosecutrix has not supported the prosecution case and turned completely hostile and further taking into consideration that the applicant is in jail since 21/05/2020 and trial has not been concluded, I am inclined to grant bail to the applicant.

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 two local sureties 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