

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 672 of 2021**

1. Durgesh Nishad, S/o Kishun Lal Nishad, aged 21 years, R/o Potiyakala, Ward No.53, Police Station Pulgaon, District Durg (CG)

---- Applicant**Versus**

1. State of Chhattisgarh, through Station House Officer, Police Station Arjunda, District Balod (CG)

---- Non-Applicant

For Applicant	: Shri Malay Shrivastava, Advocate.
For Non-Applicant	: Shri Chandresh Shrivastava, Deputy AG.
For Complainant	: Shri Shaleen Singh Baghel, Advocate.

Proceeding Through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board****09/07/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.95/2020 registered in Police Station: Arjunda, District Balod for offence under Section 363, 366 & 376 (2) (n) (3) of the IPC and Section 4, 5 & 6 of the POCSO Act.
2. This is the 2nd bail application on behalf of the applicant. The first bail application was dismissed with liberty to revive the prayer after examination of the prosecutrix and now the prosecutrix has been examined.
3. The applicant has allegedly abducted the prosecutrix and committed forcible sexual intercourse on promise to marry. Although in her statement before the police she has made allegations but when examined in the Court she has not supported the prosecution. She is denying that the applicant has committed forcible sexual intercourse

with her. Even during cross-examination, she has not supported the prosecution.

4. Shri Shaleen Singh Baghel, Advocate appears along with the prosecutrix to submit that the prosecutrix has no objection in releasing the applicant on bail.
5. Considering the entire fact situation of the case and for the fact that the applicant is in jail since 5.6.2020 i.e. for more than one year, 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 for a sum of Rs.50,000/- with one surety for the like amount 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/-
(Prashant Kumar Mishra)
Acting Chief Justice

Barve