NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Proceedings through video conferencing

MCRC No. 648 of 2021

- Yunik Tandan S/o Jawahar Lal Tandan, Aged About 19 Years R/o Village - Thelkadih (Wrongly Mentioned As Dhelkadih In The Order Sheet), Police Station And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	-	Shri Abhishek Sharma, Advocate.
For Respondent/State	-	Shri Chandresh Shrivastava, Dy. Advocate General.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order On Board

15-07-2021

1. Heard.

2. This is the second bail application. The first bail application was dismissed with liberty to revive the prayer after examination of the prosecutrix on 02-09-2020 in MCRC No.2916 of 2020.

3. The applicant has preferred the second bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.143/2020, registered at Police Station Khairagarh, District-Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

4. In the statement of prosecutrix recorded before the police, the prosecutrix had made allegations of commission of rape and criminally intimidation. However, when examined in Court, she has turned hostile and has denied the incident of rape. She has not supported the prosecution, in respect of allegation of rape, at any stage of her examination.

5. Learned State counsel would oppose the prayer for grant of bail.

6. The prosecutrix is also appearing through video conferencing facility available at District Legal Service Authority (D.L.S.A.), Rajnandgaon. She has no objection if the applicant is released on bail.

7. Considering the state of evidence on record and for the fact that the applicant is in jail since 03-05-2020 and the prosecutrix has no objection in releasing the applicant on bail, I am inclined to release the applicant on bail.

8. Accordingly, the bail 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 Judge

Amardeep