

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.713 of 2021**

- Khoman Porte S/o Pritlal Porte Aged About 19 Years R/o Ward No. 03, Gandai, Pandariya, Police Station Gandai, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gandai, District Rajnandgaon Chhattisgarh

---- Respondent**Present:-**

Shri Abhishek Sharma, counsel for the applicant.

Smt. Fouzia Mirza, Additional AG for State.

Shri Ashok Hathile (father of the prosecutrix) for the complainant appears through Help Desk of the High Court.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/04/2021**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.87/2020 registered at Police Station Gandai, Distt. Rajnandgaon for the offence punishable under Section 363, 366, 376 of the IPC and Section 5(L)/6 of the POCSO Act. The applicant was arrested on 25-06-2020.
2. This is a repeat bail application. Earlier bail application was dismissed as withdrawn.
3. Learned counsel for the applicant would submit that repeat bail application has been filed on the ground that the prosecutrix and her father both have been examined during trial and they have not supported the prosecution case and turned hostile and therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes the bail application by submitting that allegations against the applicant are serious in nature and that

the trial is still not concluded.

5. Shri Ashok Hathile, father of the prosecutrix, who has appeared through video conferencing from the Help Desk of the High Court, submits that he has no objection to grant of bail to the applicant.

6. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration that the prosecutrix has now been examined in the Court and she has completely turned hostile and not supported the prosecution case and the father of the prosecutrix, who has also not supported the prosecution case, though examined as PW-1 and appears through video conferencing and submits that he does not object to grant of bail to the applicant, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application(M.Cr.C.No.713 of 2021) is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two local surety for the like amount to the satisfaction of the Trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

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