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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1013 of 2021**

Ashok Kumar Sahu S/o Feruram Sahu Aged About 40 Years R/o Village- Jangalpur, Police Station- Lalbag, District- Rajnandgaon, Chhattisgarh, At Present R/o Pre-Secondary School, Sahaspur Dalli, Police Station Ghumnka, District- Rajnandgaon, Chhattisgarh..

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Ghumka, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Punit Ruparel, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.03.2021**

Heard.

1. This is the third bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 3.10.2019 and the second bail application was dismissed on merits by this Court on 20.10.2020. The applicant has been arrested in connection with Crime No.36 of 2019, registered at Police Station – Ghumka, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 376 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.3.2019 and has been falsely implicated in this case. The prosecutrix and her father both have been examined before the trial Court who turned

hostile and not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are other witnesses yet to be examined in the trial. Hence, the applicant is not entitled for grant of bail.

4. Complainant – Santosh Verma had appeared on 17.3.2021 and made a statement of no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The earlier application of this applicant i.e. M.Cr.C. No. 6392 of 2020 has been decided on merits and rejected, therefore, there is no need to consider the application again on merits. The new development in this case is subsequent to examination of the prosecutrix and her father before the trial Court.

7. On perusal of the deposition of the prosecutrix (PW-3), it is found that she has totally denied about occurrence of an incident with her and similar is the statement of her father and one more witness examined in the trial is PW-1. This is a new development which is in favour of this applicant, therefore, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge