

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1178 of 2021**

1. Rakesh Tirky, S/o Kunwar Say Tirky, aged about 19 years, R/o Village Manpur, PS Shankargarh, District Balrampur-Ramanujganj (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Rajpur, District Balrampur-Ramanujganj (CG)

---- Non-Applicant

For Applicant : Shri Vikas Pandey, Advocate.
For Non-Applicant : Shri Chandresh Shrivastava, Deputy AG.

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

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.19/2020 registered in Police Station: Rajpur, District Balrampur-Ramanujganj for offence under Section 376 of the IPC and Sections 4 & 6 of the POCSO Act, 2012.
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. Her deposition has been filed as Annexure-A/3.
3. The applicant committed forcible sexual intercourse with the prosecutrix aged less than 18 years on the date of the incident.

4. Although the prosecutrix made allegation of commission of rape during investigation of crime, however, when examined in the Court, she has turned hostile without supporting the prosecution at any stage of examination.
5. Considering the entire fact situation of the case, 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

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