

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1331 of 2021**

- Harikrishna Raut Rai @ Lalu S/o Chabinder Raut Rai, Aged About 24 Years
R/o. Thethwarpara, Jamul, Police Station Jamul, District Durg Chhattisgarh.,
District : Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jamul,
District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Respondent

For Applicants : Shri T. K. Jha, Advocate
For Respondent/State: Ms. Veena Nair, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/06/2021**

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.42/2020 registered at Police Station Jamul, District Durg for the offence punishable under Section 363, 366-A, 376(2)(N), 195-A & 34 of the IPC and Section 5(ॢ) & 6 of POCSO Act. The applicant was arrested on 21-04-2020.
2. This is a repeat application. Earlier bail application was rejected by this Court vide order dated 01-10-2020 passed in M.Cr.C.No.5581 of 2020.
3. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix, who is stated to be minor.
4. Learned counsel for the applicant would submit that the instant bail application has been filed after examination of the prosecutrix and her mother in the Court, where none of them have supported the prosecution case and completely turned hostile. He would further submit that as crucial prosecution witnesses have already been examined, the applicant may be granted bail at this stage.
5. On the other hand, learned State counsel opposes the bail application by submitting that the applicant is being tried for heinous offence and many other prosecution witnesses are yet to be examined and if bail is granted to the

applicant, he is likely to abscond.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the period of pre-trial detention of the applicants and further taking into consideration the submission of learned counsel for the applicant that the prosecutrix herself has now been examined in the Court and not supported the prosecution case and turned hostile and other prosecution witnesses have also not supported the prosecution case and without further commenting upon the merits of the case, at this stage, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application(M.Cr.C.No.1331 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)
Vacation Judge