

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1389 of 2021

- Khublal Sahu S/o Loknath @ Lokdhar Sahu, Aged About 25 Years, R/o Rawanguda, Police Station Arjuni, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Arjuni, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 10-09-2020 in connection with Crime No.372/2020 registered at Police Station - Arjuni, District Dhamtari, Chhattisgarh for the offence under Section 376, 506, 509-B of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the first application filed by the applicant for grant of regular bail before this Court, MCRC No.7485/2020 was dismissed on merits on 16-12-2020. The circumstances have changed in favour of this applicant after examination of the prosecutrix in trial as she has not supported the prosecution case. Therefore, it is prayed that this applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there are other witnesses yet to be examined who may establish the case of prosecution. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. The earlier application for bail has been rejected on merits. Considered on the submissions. At present a change in circumstance has occurred after examination of the prosecutrix in the Court. On perusal of the certified copy of the deposition of the prosecutrix, it is found that she has totally denied occurrence of the incident and therefore, she has been declared hostile by the prosecutor. Hence, looking to this development, I feel inclined to allow this application.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge