

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1457 of 2021**

- Mukesh Kumar Chelak S/o Tarandad Chelak Aged About 23 Years R/o Village Sitapar, Police Station Simga, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Simga, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

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

Shri Anil Gulati, counsel for the applicant.
Shri Anurag Verma, PL for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

16/07/2021

Heard.

1. This is repeat bail application. Earlier bail application was dismissed as withdrawn.
2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.160/2020 registered at Police Station Simga, District Baloda Bazar-Bhatapara for the offence punishable under Section 363, 366, 376 of the IPC and Section 4 of POCSO Act. The applicant was arrested on 30-05-2020.
3. Prosecution case is that the applicant kidnapped and thereafter committed rape on the prosecutrix.
4. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He next submits that the prosecutrix has now been examined before the Court and copy of the statement is placed on record. He would also submit that the prosecutrix has turned hostile and not supported the prosecution case.
4. On the other hand, learned State counsel opposes the bail application by submitting that in the present case, trial is still going on and the applicant is tried

for commission of serious offence, therefore, if the applicant is released on bail, he may flee away from justice and likely to abscond, which would hamper the trial.

5. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix, who has now been examined before the trial Court and further taking into consideration the submission of learned counsel for the applicant the prosecutrix has not supported the allegation of rape, at this stage, I am inclined to enlarge the applicant on bail.

6. Accordingly, the bail application(M.Cr.C.No.1457/2021) 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