

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1485 of 2021**

- Shishupal Tirkey S/o Balsai Tirkey Aged About 25 Years R/o Village Thakurpudi, Tahsil Dharamjaigarh, District Raigarh Civil And Revenue District Raigarh Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Officer-In Charge, Police Station Lailunga, District Raigarh Chhattisgarh

---- Respondent

For Applicant : Shri Ashutosh Mishra, Advocate
 For Respondent/State: Shri Ravish Verma,GA

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.130/2020 registered at Police Station Lailunga, District Raigarh for the offence punishable under Section 363, 376 of the IPC and Section 4 & 6 of POCSO Act. The applicant was arrested on 25-06-2020.
2. This is a repeat application. Earlier bail application was dismissed as withdrawn.
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 applicant has been falsely implicated in the case. He would further submit that as crucial prosecution witnesses including the prosecutrix herself have already been examined and none of them have supported the prosecution case and completely turned hostile, 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 and tamper the prosecution witnesses.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the period of pre-trial detention of the applicant and further taking into consideration the submission of learned counsel for the applicant that crucial prosecution witnesses including the prosecutrix herself have been examined in the Court and they have not supported the prosecution case and turned hostile 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.1485 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