

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2094 of 2021**

- Shankar Yadav S/o Sonadhar Yadav Aged About 21 Years R/o Amagudapara Village Kanchnaar Police Station Bastar Tahsil Bakawand District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Bastar District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant : Shri Vikas Shrivastava, Advocate
 For Respondent/State : Shri Ravish Verma, GA
 Shri Sanjay Mishra, Advocate along with the prosecutrix and her father appear through Help Desk of District Legal Service Authority, Bastar at Jagdalpur.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/06/2021**

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.59/2020 registered at Police Station Bastar, District Bastar for the offence punishable under Section 376 of IPC and Section 6 of POCSO Act. The applicant was arrested on 28/03/2020.
2. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is minor in age.
3. Learned counsel for the applicant would argue that earlier bail application of the applicant has been rejected by this Court on 29-09-2020 taking into consideration the statement of the prosecutrix recorded during investigation, but, by now, during trial, the prosecutrix has been examined and she has not supported the prosecution case, turned hostile and has specifically denied any sexual intercourse was ever committed on her by the applicant. therefore, at this stage, the applicant may be granted bail with appropriate conditions.
4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the applicant is facing trial for commission of serious offence. He next argued that number of witnesses have been

examined, there are many other prosecution witnesses, who are yet to be examined, therefore, the bail application may be rejected.

6. Shri Sanjay Mishra, Advocate, appearing for the prosecutrix and the father of the prosecutrix, upon instructions, submits that he has no objection to grant of bail.

7. 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 that the prosecutrix has now been examined and also taking into consideration that the prosecutrix has not supported the prosecution case, turned hostile and denied any sexual intercourse committed on her by the applicant, I am inclined to allow the bail application. Accordingly, the bail application is allowed.

8. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge