

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1863 of 2021**

- Tejprakash Kurre S/o Bodhanlal, Aged About 23 Years R/o. Village Nandelibhata, Police Station Sakti, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Sakti, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ishwar Jaiswal, Advocate
For Respondent/State	:	Shri Anurag Verma, Panel Lawyer

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06/08/2021**

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.140/2020 registered at Police Station Sakti, District Janjgir-Champa for the offence punishable under Section 376 of the IPC and Section 4 & 6 of the POCSO Act. The applicant was arrested on 17-04-2020.
2. This repeat bail application moved mainly on the ground that the prosecutrix has now been examined during trial and she has not supported the prosecution case.
3. Learned counsel for the applicant would submit that now the prosecutrix has been examined during trial and she has not supported the prosecution case and stated that the applicant has not committed sexual intercourse on her. In these circumstances, learned counsel for the applicant prayed that the bail may be granted to the applicant.
4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the statement of the prosecutrix would require appreciation, because, she has admitted suggestion that now, she is not making correct statement in the Court in order to protect the applicant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that now the prosecutrix has been examined during trial and she has not supported the prosecution case of commission of offence of rape on her by the applicant, at this stage, the present appears to be a fit case for grant of bail.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one 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