

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1928 of 2021**

- Jeevdhan Dhruv @ Chandani, S/o Tulsi Dhruv, Aged About 24 Years R/o - Aghari, Navagaon, Dhamtari, Police Station - Dhamtari, Tahsil And District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - City Kotwali, Dhamtari, District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondent

For Applicant : Shri Shivendu Pandya, 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.265/2020 registered at Police Station City Kotwali, Dhamtari, District Dhamtari for the offence punishable under Section 376 & 506 of the IPC and Section 6 of the POCSO Act. The applicant was arrested on 12-06-2020.
2. This repeat bail application has now been filed after examination of the prosecutrix. Earlier bail application was dismissed as withdrawn.
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 by stating that the applicant has not committed sexual intercourse on her and completely absolved the applicant from any criminal liability.
4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the allegations levelled against the applicant are grave in nature and that the trial is still going on, therefore, the bail may not be granted to the applicant.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant has remained in

jail since 12-06-2020 and at this stage, when the prosecutrix has now 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