

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1966 of 2021**

Mansai Cherwa, S/o. Dharampal, aged about 23 years, R/o. Village Rampur,
Police Station - Chalgali, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station
Chalgali, District – Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arun Shukla, Advocate

For Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/03/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.137/2019, registered at Police Station – Chalgali, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 363, 366A, 354, 376D, 365, 294, 506, 323, 34 of the Indian Penal Code and Section 4, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case. The co-accused persons namely Abhishek Singh and Thaneshwar Singh have been granted bail by this Court on the same ground of hostility of the prosecutrix. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that although the prosecutrix is a hostile witness, but there are other witnesses yet to be examined, therefore, this application for grant of bail be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution is this that on the date of incident, this applicant and the co-accused persons abducted the minor prosecutrix, outraged her modesty and then committed gang rape with her.
6. Considered on the submissions. Certified copy of the deposition of the prosecutrix has been filed along with the bail application and on perusal of the same, it is found that, the prosecutrix has been declared hostile by the prosecutor for not supporting the prosecution case, hence, looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge