

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2042 of 2021**

Indal Ram S/o Ramgulal Markarm Aged About 24 Years R/o Village
Shakkarwara Rudri, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Rudri, District Dhamtari Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed on merits on 5.11.2020 in M.Cr.C. No. 6648 of 2020. The applicant has been arrested in connection with Crime No.32 of 2020, registered at Police Station – Rudri, District – Dhamtari, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.6.2020 and has been falsely implicated in this case. There is a change in circumstance at present as the prosecutrix and her father both have been examined in the trial and they have not supported the prosecution

case. Hence, it is prayed that the applicant be enlarged 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 the earlier application has been rejected on merits, therefore, because of the hostility of the prosecutrix, the applicant should not be granted bail.

4. The prosecutrix and her father – Rajkumar both are present before this virtual Court through the Help-Desk of DLSA, Dhamtari. They made a statement that they have no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. There is no need to consider the prayer in this application on merits. On perusal of the certified copy of the deposition of the prosecutrix and her father, it is found that there is no statement against this applicant, therefore, the prosecutrix has been declared hostile by the prosecutor. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi