

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2111 of 2021**

- Bipul Mandal Bangali S/o Sushen Mandal Aged About 23 Years R/o Village Sagarpur, Police Station Balrampur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Chando, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Dashrath Kushwaha, Advocate
For Respondent/State	:	Shri Samir Sharma, Dy.GA

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

Heard.

1. This is second bail application for grant of bail. Earlier bail application filed by the present applicant was dismissed as withdrawn on 14-09-2020.
2. The applicant has been arrested in connection with Crime No.27 of 2019 registered at Police Station-Chando, District Balrampur-Ramanujganj (CG) for the alleged commission of offence under Section 363, 366, 376(2)(N) & 376(3) of IPC and 4 & 6 of the POCSO Act.
3. Prosecution case is that the applicant kidnapped and thereafter committed rape on the prosecutrix.
4. Learned counsel for the applicant submits that present applicant has been falsely implicated in this case and he has not committed any offence and does not know the prosecutrix. He further submits that the prosecutrix has now been examined in the Court and she has refused to identify the applicant by stating that she does not know the applicant, but no offence was committed on her by the applicant. In the present case, the investigation is complete, charge-sheet

has been filed, the applicant is in jail since 14-12-2019, therefore, at this stage, the applicant may be granted bail.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail by submitting that the applicant is being tried for commission of offence of grave nature, therefore, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has now been examined in the Court and she has not supported the prosecution case and turned hostile and did not even identify the present applicant and that the applicant is in jail since 14-12-2019 and trial has not been concluded till date, I am inclined to allow the bail application.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:

(i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

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