

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5668 of 2021**

Parmeshwar Das Vaishnav @ Nanki, S/o. Mahettar Das Vaishnav, aged about 29 years, Bayong Chowk Caple Thana Kharsiya District Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Kharsiya District Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Vinod Kumar Tekam, Advocate

For Respondent/State : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/09/2021**

1. This is the second 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.172/2020, registered at Police Station – Kharsia, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 368, 376 of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012. The first bail application M.Cr.C. No. 1074 of 2021 of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix vide order dated 23.02.2021.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 04.05.2020. The prosecutrix has been examined in the trial and her examination-in-chief shows that she was willing and consenting party. The trial is not making any progress so far and the

applicant is in jail since more than one year. 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 the prosecutrix was not a hostile witness. She has made clear allegation regarding the offence of rape against the applicant and also she was minor of age below 18 years. Hence, the application be rejected.
4. The prosecutrix is virtually present before this Court on notice through the Help Desk of D.L.S.A. Raigarh. She has objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Considered on the submissions. For the reason that the applicant is in jail since about one year and the trial is not making any progress so far, 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge