

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2413 of 2021**

1. Gitesh Verma, S/o. Firki Lal Verma, aged about 24 years, R/o. Bhatapara, Ward No. 5, P.S. Utai, Utai, District Durg Chhattisgarh.
2. Devendra Verma @ Monu, S/o. Ashwini Verma, about 19 years, R/o. Sai Colony Ward No. 4, P.S. Utai, District Durg Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through : Station House Officer, P.S. Anda, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicants : Mr. Prasoon Agrawal, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

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

Heard.

1. Admit.
2. At the consent of both the parties, the matter is heard finally.
3. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.74/2020, registered at Police Station – Anda, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal

Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012. The first bail application of the applicants was dismissed on merits vide order dated 05.01.2021 in M.Cr.C. No. 7965 of 2020.

4. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is further submitted that new circumstances in favour of the applicants is this that the prosecutrix and other witnesses have been examined, before the trial Court and the prosecutrix has not supported the prosecution case and the other witnesses have also not made any statement against the applicants. Hence, it is prayed that the applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. The earlier bail application has already decided on merits. Considered on the present circumstances brought before his Court. Perused the certified copy of the deposition of the prosecutrix and on perusal of the same, it is found that she is a hostile witness, hence, this is a new development, looking to which, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram