

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****MCRC No. 2585 of 2021**

- Kamal Say Baghel S/o Asharam Baghel Aged About 18 Years Resident At Village Negiguda P. S. Nagarnar District Bastar (C.G.) (Surname Not Mentioned In Orders), District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through: The Police Station Bastar, District Bastar (C.G.).

---- Respondent

For Applicant - Shri Pravin Kumar Tulsyan, Advocate.
For Respondent/State - Shri Chandresh Shrivastava, Dy. Advocate General.

(the prosecutrix has joined the video conferencing through D.L.S.A., Jagdalpur, Chhattisgarh)

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board**23-07-2021**

1. Heard.
2. This is the second bail application. The first bail application of the applicant was dismissed with liberty to revive the prayer after examination of the prosecutrix on 17-09-2020 in MCRC No.4920 of 2020. Now, the prosecutrix has been examined.
3. The applicant has preferred the Second bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.82/2020, registered at Police Station - Bastar, District- Bastar (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual offences Act, 2012.

4. There is allegation on the applicant of abduction and commission of forcibly sexual intercourse with the prosecutrix less than 18 years of age on the date of incident. But, when examined in Court, she has not supported the case of prosecution and also she has refused to identify the accused. During cross-examination also, she has not supported the prosecution.
5. Learned State counsel would oppose the prayer for grant of bail.
6. The prosecutrix is also appearing through video conferencing facility available at District Legal Service Authority (D.L.S.A.), Jagdalpur. She has no objection if the applicant is released on bail.
7. Considering the entire facts situation of the case and the applicant is in jail since 21-05-2020 i.e. for more than one year and two months and also the prosecutrix has no objection in releasing the applicant on bail, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-

(Prashant Kumar Mishra)
Acting Chief Judge

Amardeep