

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****MCRC No. 2689 of 2021**

- Laikhan Baghel S/o Lalit Baghel Aged About 22 Years Residing At Mudapara Village Turenar Babu Semara Jagdalpur District Bastar Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: The Police Station Kotwali, District Bastar, Chhattisgarh.

---- Respondent

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

(Prosecutrix has joined 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 The first bail application of the applicant was dismissed as withdrawn with liberty to revive the prayer after examination of the prosecutrix on 05-10-2020 in MCRC No.5664 of 2020.
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.402/2019, registered at Police Station Kotwali, District- Bastar (C.G.) for the offence punishable under Sections 376 and 506 of the Indian Penal Code and under Sections 4 & 6 of the Protection of Children from Sexual offences Act, 2012.

4. The applicant has committed forcibly sexual intercourse with the prosecutrix aged less than 18 years on the date of incident. However, when examined in Court vide deposition **Annexure A-4**, the prosecutrix has not supported the prosecution and has refused to identify the applicant.
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 fact that the applicant is in jail since 07-02-2020 i.e. for more than one year and five months and 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