

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2740 of 2021**

Amar Singh @ Buglu S/o Neelkanth Aged About 19 Years R/o Village Tugwan, Police Chowki Balangi, Police Station Raghunathnagar, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Raghunathnagar, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sangeet Kumar Kushwaha, Advocate.
For the Respondent/State	:	Smt. Hamida Siddiqui, Dy. A.G.
For the Complainant	:	Shri Vinod Kumar Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.09.2021**

Heard.

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. The first bail application of the applicant was dismissed as withdrawn on 18.1.2021 in M.Cr.C. No. 7563 of 2020. The applicant has been arrested in connection with Crime No.25 of 2020, registered at Police Station – Raghunathnagar, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(jha), 341 and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.3.2020 and has been falsely implicated in this case. There is a change in circumstance at present as the prosecutrix has been examined in the trial and she has not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. The prosecutrix was virtually present before this Court on 27.7.2021 and she made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. There is no need to consider the prayer in this application on merits. On perusal of the certified copy of the deposition of the prosecutrix and her father, who is the complainant, it is found that they have been declared hostile for not supporting the case of the prosecution. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi