

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2731 of 2021**

Shravan Kumar Jaiswal, S/o. Shri Gurudayal Jaiswal, aged about 25 years,
Address Village - Navgai, Thana - Chandani, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station
Chandani, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Surana, Advocate

For Respondent/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/08/2021**

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.39/2020, registered at Police Station – Chandni, District – Surajpur (C.G.) for the offence punishable under Section 376, 450 of the Indian Penal Code and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012. The first bail application of the applicant M.Cr.C. No. 204 of 2021 is dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix vide order dated 24.03.2021.
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 19.10.2020. The prosecutrix has been examined in this case and she has not supported the prosecution case. Therefore, there is no case left against this applicant. 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 age of the prosecutrix was only 16 years and further diary statement given by the prosecutrix is against this applicant. Therefore, the application be rejected.
4. Notice was issued to the complainant, which was returned served for the date 04.08.2021, even then there was no appearance and no representation from the complainant side.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant made forceful entry in the house of the minor prosecutrix and then he raped her.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix filed along with the bail application, which shows that she is hostile witness as she has not supported the prosecution case. Hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicant 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 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

Balram