

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4160 of 2021

Narayan Kumar Son Of Chalitar Ram Aged About 20 Years R/o Village
Sarnadhih, P.S. Balrampur, District - Balrampur Ramanujganj (Chhattisgarh)
---- **Applicant**

Versus

State Of Chhattisgarh Through SHO Police Station- Balrampur, District-
Balrampur Ramanujganj (Chhattisgarh) ---- **Respondent**

For Applicant	:	Shri A.K. Yadav, Advocate
For Respondent/State	:	Shri Ashutosh Mishra, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2021

Heard.

1. This is repeat application for grant of bail. Earlier bail application was rejected by this Court on 29.09.2020.
2. The applicant has been arrested in connection with Crime No.94 of 2020 registered at Police Station- Balrampur, District Balrampur-Ramanujganj (CG) for the alleged commission of offence under Section 363, 366 & 376(2) (n) of IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
3. Prosecution case is that on a false pretext of marriage, the applicant entered into the house of the prosecutrix and committed rape on her, who is stated to be minor in age.
4. Learned counsel for the applicant would submit that earlier bail application was rejected by this Court taking into consideration the material contained in the charge-sheet, however, now the prosecutrix has been examined during trial and she has not supported the case of the prosecution and has completely turned hostile. Certified copy of the deposition of the prosecutrix has also been filed. Therefore, at this stage, the applicant may be granted bail.

5. On the other hand, learned State counsel opposes the bail application and submits that the applicant is being tried for commission of serious offence of committing rape on a minor, therefore, at this stage, the applicant may not be granted bail.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the subsequent events that the prosecutrix has now been examined by the trial Court and further the submission of learned counsel for the parties that the prosecutrix has turned completely hostile and not supported the case of the prosecution and that the applicant is in jail since 02.06.2020, the application is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge