

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3459 of 2021**

- Rashid Khan S/o Late Anul Hassan Khan Aged About 56 Years Occupation Teacher, Residence Of Darakhrika, Police Station Narayanpur , Tehsil Kunkuri, District : Jashpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Narayanpur, Tehsil Kunkuri, District : Jashpur, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Sunil Tripathi, Advocate.
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/08/2021**

Heard.

1. This is repeat application for grant of bail. Earlier application was dismissed by this Court upon consideration of material in the charge sheet.
2. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.16/2020 registered at Police Station- Narayanpur, Tehsil- Kunkuri, District- Jashpur, C.G. for the alleged commission of offence under Sections 376, 313, 506 & 120 (B) of IPC and Sections 5 & 6 of POCSO Act.
3. Prosecution case is that the applicant committed rape on a minor prosecutrix and she also became pregnant and pregnancy was later on aborted.
4. Learned counsel for the applicant would argue that the applicant has been falsely implicated in the case. The prosecutrix and her parents all have been examined during trial and prosecutrix has clearly stated that the applicant is not involved in any criminal overt act including any sexual exploitation or rape and trial is not likely to concluded and that the applicant is in jail since 02.03.2020 and the applicant is not likely to abscond or tamper with prosecution witnesses, therefore, at this stage, the applicant may be granted

bail.

5. On the other hand, learned State Counsel opposes and submits that at present, though some of the witnesses including prosecutrix have been examined but many other important prosecution witnesses including doctor who medically examined the prosecutrix is yet to be examined as there are material contained in the charge sheet that the prosecutrix has become pregnant and pregnancy was later on aborted.
6. Taking into consideration the submissions of learned counsel for the parties, particularly that the prosecutrix has now been examined and further submission of learned counsel for the applicant that the prosecutrix has turned hostile and not supported the case of the prosecution and stated that nothing happened to her nor any criminal overt act was committed by the applicant and even her parents have also been examined and have not involved the applicant in the alleged commission of offence and that the prosecution has not come out with any evidence with regard to DNA, at this stage, the applicant is in jail since 02.03.2020 and that there is no material to show that the applicant is likely to abscond or tamper with prosecution witnesses, therefore, at this stage, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application is allowed. 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 of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge