

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3548 of 2021**

- Sadanand Pathar S/o Bhengraj Pathar Aged About 25 Years R/o Village - Jhargaon, P.O. And P.S. - Devbhog, District : Gariyaband, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Devbhog, District : Gariyaband, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Yogesh Pandey, Advocate.
For State	:	Mr. Lalit Jangde, Dy. G.A.

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 Earlier application was dismissed as withdrawn with liberty to revive at an appropriate stage.
2. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.15/2020 registered at Police Station- Devbhog, District- Gariyaband, C.G. for the alleged commission of offence under Sections 363, 366 & 376 (2) (अ) (ब) of IPC and Section 6 of POCSO Act.
3. Prosecution case is that the applicant abducted and committed rape on the prosecutrix who is stated to be minor.
4. Learned counsel for the applicant would argue that the applicant has been falsely implicated in the case. The prosecutrix has now been examined during trial and she has not at all involved the applicant in the alleged commission of offence and she has even refused to identify the applicant. He would next submit that present is not a case where applicant is 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 the

applicant is facing trial for commission of heinous offence and he is likely to tamper with prosecution witnesses.

6. Considering the submissions of learned counsel for the parties, particularly the period of detention period and that the prosecutrix has now been examined and further taking into consideration the submission of learned counsel for the applicant that the prosecutrix has not supported the case of the prosecution and turned hostile 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