

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3286 of 2021**

Ashwani Dadsena S/o Late Gambhir Ram Dadsena Aged About 51 Years
R/o Amarpuri Chowk, Sundar Nagar, Raipur, District Raipur, Chhattisgarh,
Permanent R/o Village Angaari, Police Station And District Balod
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate District Durg
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Harshwardhan Parganiha, Advocate.
For the Respondent/State	:	Shri Alok Nigam, G.A.
For the Complainant	:	Shri Kalpesh Ruparel, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.08.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed on merits on 25.2.2021 in M.Cr.C. No. 1398 of 2021. The applicant has been arrested in connection with Crime No.479 of 2020, registered at Police Station – Bhilai Nagar, District – Durg, Chhattisgarh for the offence punishable under Sections 376(2)(n) and 506 of the Indian Penal Code and Sections 4 & 6(I) of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.11.2020 and has been falsely implicated in this case. There is change in circumstance in favour of the applicant, after examination of the

prosecutrix in the Court, shows that she is a hostile witness and has not supported the prosecution case, therefore, there is nothing left in this case against the applicant. 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. It is submitted that the earlier bail application was dismissed on merits, therefore, the second bail application may also be rejected.

4. The prosecutrix had appeared on notice before this Court represented by her counsel Shri Punit Ruparel on 30.6.2021. She made a statement that she has objection in grant of bail to the applicant.

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

6. After rejection of the earlier bail application on merits, the only thing to be taken into consideration is the change in circumstance. Perused the certified copy of the deposition of the prosecutrix filed alongwith the application according to which, she has not supported the prosecution case and she has denied all the suggestions given by the prosecutor in her cross-examination. 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