

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3592 of 2021**

- Akash Tandi S/o Badku Tandi, Aged About 23 Years R/o B.S.U.P. Colony, Thana Sarwati Nagar Raipur, District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through, Police Station - Gudiyari, District : Raipur, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Vikas Kumar 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 Earlier application was dismissed as withdrawn.
2. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.236/2019 registered at Police Station- Gudiyari, District- Raipur, C.G. for the alleged commission of offence under Sections 363, 366 & 376 AB, 376 (2) (n) 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 supported the case of the prosecution and 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

flee away from justice.

6. Considering the submissions of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the prosecutrix has now been examined and she has not supported the case of the prosecution and turned hostile and even refused to identify the applicant 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