

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4142 of 2021

- Sanjay Jaiswal S/o Lalta Prasad Jaiswal Aged About 28 Years
R/o Village Mahuarairehi (Nawatola) Police Station Babhni,
District Sonbhadra (U.P.). ---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S.
Basantpur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Arun K. Shukla, Advocate
For Respondent-State	:-	Mr. Sudeep Agrawal, Dy.A.G.

Proceedings through Video ConferencingHon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board06/08/2021

1. The applicant has preferred this **second** bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.60/2020 registered in Police Station Basantpur, Dist. Balrampur Ramanujganj C.G. for the offence punishable under Sections 363, 366, 376(2)(F)(I)(N), 506 (as per challan) of the I.P.C. and Section 6 of the POCSO Act.
2. Earlier, the first bail application was dismissed on merits reserving liberty to revive the prayer after examination of the prosecutrix.
3. Although in her statement before the Police as also in her statement under Section 164 Cr.P.C., the prosecutrix made

allegation of abduction and commission of rape by the applicant, however, when examined in Court she has turned hostile and not supported the prosecution at any stage of her examination. The present application is related to her as uncle (*fufa*).

4. On the last date of hearing, notice of this bail application was served on the prosecutrix. She had appeared before this Court through Video Conferencing facility available at DLSA, Balrampur-Ramanujganj on 30.7.2021 and has accorded No Objection in applicant's release on bail.
5. Considering the quality of evidence available as also for the fact that applicant is in jail since 29.5.2020 i.e., for about 1 year and 3 months and the prosecutrix has no objection on release of applicant on bail, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi