

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4453 of 2021**

- Rakesh Alias Jaggu Alias Jagattaran Rajwade S/o Ramgadhiya Rajwade Aged About 28 Years R/o Korondha P.S. Lakhanpur District Surguja Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through SHO Police Station Dhourpur District Surguja Chhattisgarh

---- Respondent

For Applicant
For Respondent/State

Mr. Sanjay Pathak, Advocate
Mr. Arijit Tiwari, Panel Lawyer

Proceedings through Video Conferencing

SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ
Order On Board

6/8/2021

1. Heard.
2. This is the second application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.54/2019 registered at Police Station Dhourpur District Surguja (CG) for the offence punishable under Sections 363, 366, 342, 376(A)(B), 376(2)n of the IPC with Section 5(३) read with Sections 6, 5(z) read with Section 6 of the POCSO Act .
3. The applicant and co-accused Manoj @ Pallu abducted the prosecutrix, aged about 16 years, and committed forcible sexual

intercourse. While dismissing the first bail application, liberty was reserved to revive the prayer after examination of the prosecutrix. In her deposition- Annexure A-3, the prosecutrix has not supported the prosecution at any stage of the examination.

4. Learned counsel for the State would object to the prayer for grant of bail on submission that in the statement of the prosecutrix under Section 164 of Cr.P.C., she had alleged commission of gang rape by the accused persons.
5. Considering the subsequent statement of the prosecutrix and for the fact that the applicant is in jail since 5.3.2020 i.e. for about 1 year 5 months and her statement has already been recorded, I am inclined to release the applicant on regular bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in 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.
7. Certified copy as per rules. **Sd/-**

(Prashant Kumar Mishra)

Acting Chief Justice