

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4312 of 2021**

1. Ramjatan S/o Jhangru Ram Aged About 30 Years R/o Village Shantipur Sharuvat, Police Station Basantpur, District Balrampur-Ramanujganj, Chhattisgarh.
2. Mangaldev Singh S/o Kishun Bihari Aged About 26 Years R/o Village Shantipur Sharuvat, Police Station Basantpur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants**Versus**

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

---- Respondent

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

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ**
Order On Board**06/08/2021**

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.27/2020 registered in Police Station Basantpur, Dist. Balrampur Ramanujganj C.G. for the offence punishable under Sections 376-D, 342/34 of the I.P.C. and Section 4, 17 of the POCSO Act.

2. Earlier, the first bail application was dismissed as withdrawn reserving liberty to revive the prayer after examination of the prosecutrix and now she has been examined.
3. Although in her statement before the Police as also in her statement under Section 164 Cr.P.C., the prosecutrix made allegation that Ramjatan committed forcible sexual intercourse and other applicant – Mangaldev Singh was keeping a watch over the place of occurrence. When examined in Court, the prosecutrix has not supported the prosecution at any stage of her examination. In her deposition she admits that applicant Ramjatan is her uncle and applicant Mangladev Singh is her cousin.
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 applicants' release on bail.
5. Considering the quality of evidence available as also for the fact that applicants are in jail since 05.03.2020 i.e., for about 1 year and 5 months and the prosecutrix has no objection on release of applicants' on bail, I am inclined to release the applicants on bail.
6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them 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. They are 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