

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4920 of 2021**

- Shivkumar Kujur S/o Manisai Aged About 21 Years R/o Village Saraidih, Police Station Shankargarh District- Balrampur- Ramanujganj, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. P.S. Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Pushkar Sinha, Advocate.
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/09/2021**

1. Heard on application (I.A. No.1/2021) for permission to change of counsel.
2. Application (I.A. No.1/2021) is considered and allowed.
3. This is third application for grant of bail.
4. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.143/2019 registered at Police Station- Shankargarh, District- Balrampur- Ramanujganj, C.G. for the alleged commission of offence under Sections 363, 366 & 376 (2) (N) of IPC and Sections 4 & 6 of POCSO Act.
5. Prosecution case is that the applicant abducted and committed rape on the prosecutrix.
6. Learned counsel for the applicant would submit that the third application for grant of bail has been filed mainly on the ground that the prime witness of the prosecution namely prosecutrix has now been examined and in the Court, she has not supported the case of the prosecution and has turned completely hostile by stating that no offence was committed on her by the applicant and because of the simple quarrel, the report was lodged in the police station at

the instance of her father. Therefore, at this stage, the applicant may be granted bail.

7. On the other hand, learned State Counsel opposes and submits that earlier bail application was considered and rejected on merits. The applicant is facing trial for commission of grave offence and if bail is granted, the applicant is likely to abscond and also tamper with prosecution witnesses.
8. Considering the submissions of learned counsel for the parties, particularly taking into consideration the period of pre-trial detention and that the prosecutrix has now been examined and further taking into consideration the submission of learned counsel for the applicant that the prosecutrix has not supported the case of the prosecution and has turned completely hostile, therefore, at this stage, I am inclined to grant bail to the applicant.
9. 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