

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5644 of 2021

- Mukesh Mourya S/o Sudaran Mourya Aged About 19 Years
R/o Village Takraguda School Para, District- Bastar,
Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Bastar,
District- Bastar, Chhattisgarh

---- Respondent

For Applicant :- Mr. Pravin Kumar Tulsyan, Advocate
For Respondent-State:- Mr. Vikram Sharma, Dy.G.A.
Prosecutrix is also present through virtual hearing from DLSA,
Jagdalpur

Proceedings through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board

18/08/2021

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.04/2019 registered in Police Station Bastar, District Bastar C.G. for the offence punishable under Sections 376, 313 of the I.P.C. and Section 6 of the POCSO Act.
2. Earlier, the first bail application was dismissed as withdrawn with liberty to revive the prayer after examination of the

prosecutrix and now the prosecutrix has been examined.

3. Applicant has committed forcible sexual intercourse with the prosecutrix on promise to marry. The FIR was lodged when she became pregnant and was admitted in the hospital for treatment. In her statement under Section 164 Cr.P.C., the prosecutrix did not support the prosecution and in her subsequent deposition recorded before the trial Court, vide Annexure A/3 also, she has again not supported the prosecution.
4. Today the prosecutrix appeared through DLSA, Jagdalpur, would submit that she has no objection, if the applicant is released on bail.
5. Considering the varying stand of the prosecutrix at different stages of the investigation/ trial and for the fact that applicant is in jail since 17.12.2019 i.e., for 1 year and 8 months, 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