

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5716 of 2021**

Sakundar Mahali S/o Sukhan Ram Aged About 20 Years R/o Village
Surbena, P.S. Korandha, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through- Police Station Korondha, District
Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate.
For State	:	Shri Mateen Siddiqui, Deputy Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24.09.2021**

Heard.

1. This is repeat application for grant of bail. Earlier application was dismissed on merits vide order dated 24.09.2020.
2. The applicant has moved this second application for grant of bail as he is arrested in connection with Crime No.6 of 2020 registered at Police Station Korondha, Revenue and Police District Balrampur, Civil District Surguja, Chhattisgarh for the alleged commission of offence under Sections 363, 366 & 376 (D) (A) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant would argue that repeat bail application has been filed by the applicant in the changed circumstances as prime witness of the incident i.e. prosecutrix has been examined and she has not supported the case of the prosecution. According to her evidence, no offence was committed by the applicant. He further submits that applicant is in jail since 03.04.2020 and the trial has not been concluded. He would next submit that present is not a

case where applicant is likely to abscond or tamper with prosecution witnesses, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned State Counsel opposes and submits that the applicant is facing trial for commission of heinous offence and he is likely to tamper with prosecution witnesses.
5. Considering the submissions of learned counsel for the parties, particularly the period of detention period 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 turned hostile and that there is no material to show that the applicant is likely to abscond or tamper with prosecution witnesses, therefore, at this stage, I am inclined to grant bail to the applicant.
6. 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