

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5544 of 2021

- Chandrashekhar @ Shekhar Chandrakar S/o Devnarayan Aged About 36 Years R/o Village- Achaud, P.S. Ranchirai, District Balod, Chhattisgarh (Wrongly Mentioned In The Impunged Order As Chandra Shekahr).

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Ranchirai, District- Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mrs. Aditi Singhvi, Advocate.
For State/respondent	: Mrs. Smriti Shrivastava, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2021

Heard.

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.3502 of 2020 vide order dated 17.11.2020 was dismissed as withdrawn with liberty to repeat the same after examination of te prosecutrix.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.17/2020 registered at Police-Station-Ranchirai, District-Balod, Chhattisgarh for the offence punishable under Section 363. 342. 354. 376(घ)(क), 506

r/w 34 of IPC and Sections 7/8, 5(४)/6 of POCSO Act, 2012.

3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 25.01.2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. One co-accused namely Pranjal Chandrakar, who has been granted regular bail in MCRC No.3352/2021 vide order dated 22.07.2021. The case of this applicant is also similar, therefore, it is prayed that this applicant may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of prosecutrix is only 13 years and 9 months and it is a case of gang rape, therefore, the application be rejected.
5. Complainant is virtually present before this Court through the 'Help Desk' of DLSA Balod. He has stated that he has no objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that on the date of incident, this applicant and the co-accused persons abducted the minor prosecutrix and gang raped her.
8. Considered on the submissions. Perused the copy of deposition of prosecutrix, which is filed along with the application, which shows that the prosecutrix has not supported the prosecution case in any manner for which she was declared hostile by the prosecutor, hence, looking to

this development in the trial, I feel inclined to allow the application of this applicant.

9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha