

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6054 of 2021**

1. Ganesh S/o Satyanarayan Shrivastava Aged About 23 Years R/o Village- Lohrakot, Thana- Baradwar, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station- House Officer, Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant - Shri Ajay Ayachi, Advocate.
For Respondent/State - Shri Arjit Tiwari, Panel Lawyer.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board

06-09-2021

1. Heard.
2. The applicant has preferred the second bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.58/20, registered at Police Station – Sakti, District – Janjgir Champa (C.G.) for the offence punishable under Section 114, 366 A, 376(2)(d) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The first bail application was dismissed reserving liberty to move afresh after examination of the prosecutrix on 17-09-2020 in MCRC No.2136/2020 and other connected matters. Now, the prosecutrix has been examined.

4. The prosecutrix was subjected to forcible sexual intercourse initially by couple i.e. Narendra and his wife Santoshi Bai. Later on, Narendra brought four other boys including the present applicant Ganesh Shriwas, Surendra Kumar Khara, Yogesh Sahu and Deepak Agrawal to his house and all of them subjected the prosecutrix to rape one by one.
5. During investigation, prosecutrix identified the present applicant, but when examined in Court, she has denied the Test Identification Parade and has also failed to identify the applicant during dock identification.
6. Learned State counsel would oppose the prayer for grant of bail.
7. Considering the quality of evidence, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one local 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.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Amardeep