

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6464 of 2021

1. Subhash Yadav S/o Nandlal Yadav Aged About 27 Years R/o Vrinda Nagar Bhilai, Tehsil And District Durg Chhattisgarh
2. Somnath Yadav S/o Nandlal Yadav Aged About 19 Years R/o Vrinda Nagar Bhilai, Tehsil And District Durg Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through, District Magistrate Durg, District Durg Chhattisgarh

---- Non-applicant

For Applicant	: Mr. B.P. Singh, Advocate
For Non-applicant/State	: Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2021

Heard.

1. This is the second bail application filed under Section 439 of the Cr.P.C for grant of regular bail to the applicants. The earlier application in M.Cr.C. No.9162 of 2020 was dismissed on merits on 22.03.2021. The applicants have been arrested on 15.10.2020, in connection with Crime No.273/2020, registered at Police Station-- Vaishali Nagar, District- Durg, C.G. for offence punishable under Section 377 and 34 of I.P.C. and Section 4, 5(G) and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. The applicants have been in jail since 15.10.2020. The circumstances have changed in favour of these applicants. The victim and his mother both have been examined in the trial and they have not supported the

prosecution case, hence, it is prayed that these applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there are other witnesses yet to be examined and that the medical report is clearly against these applicants. Therefore, the application may be rejected.
4. The complainant- Kiran Paswan is virtually present before this Court through the Help Desk of D.L.S.A. Durg and she has no objection in grant of bail to the applicants.
5. I have heard learned counsel for the parties and perused the case diary.
6. Only the change in circumstance is required to be considered in the present application. Perused the certified copy deposition of victim and his mother, who have been declared hostile by the prosecutor for the reason that they have not supported the prosecution case. Hence, this appears to be a development which cannot be ignored, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge