

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6848 of 2021**

- Yogesh Baghel S/o Shri Prakash Baghel, Aged About 20 Years R/o Sweeper Colony, Tikrapara, Police Station City Kotwali, Raipur, District Raipur Chhattisgarh. (Resident Of The Applicant Mentioned As Per Court Below) R/o Tikrapara, Sidharth Chowk, Nagar Nigam Colony, Tikrapara, District Raipur Chhattisgarh. (Resident Of The Applicant Mentioned As Per Impugned Order Dated 12/04/2021)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District : Raipur, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Shivendu Pandya, Advocate.
For State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/09/2021**

Heard.

1. This is repeat application for grant of bail. Earlier bail application was rejected by this Court on 01.10.2020 taking into consideration the material contained in the charge sheet and what was stated by the prosecutrix in her statement under Section 164 Cr.P.C.
2. Repeat bail application has now been filed by the applicant on the ground that the prosecutrix has now been examined during trial.
3. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.188/2020 registered at Police Station- City Kotwali, District- Raipur, C.G. for the alleged commission of offence under Sections 363, 366 & 376 of IPC and Section 6 of POCSO Act.
4. Prosecution case is that the applicant abducted and kept the prosecutrix with him and committed rape on her.
5. Learned counsel for the applicant referring to the evidence of the prosecutrix

and other witnesses statement that the star witness of the prosecution case being prosecutrix herself has not supported the case of the prosecution and she has turned completely hostile. The allegation against the applicant has not been supported as she stated that she knows the applicant since last 3-4 years and had an affair. She has stated that the applicant never entered into any sexual intercourse.

6. On the other hand, learned State Counsel opposes and submits that the statements of the prosecution witnesses which have been brought on record only show that the trial is presently going on but all the witnesses have not been examined and looking to the nature and gravity of allegation, the application was earlier rejected. He would submit that whether the statement of the prosecutrix should be taken as one made in favour of the applicant is a matter of appreciation by the learned trial Court.
7. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the prosecutrix has now been examined and further taking into consideration the argument that the prosecutrix has been examined and has not supported the case of the prosecution on any aspect and completely turned hostile and has even denied any sexual intercourse, without commenting upon merits and appreciation of the evidence and that the applicant is in jail since 10.07.2020 and trial has not been concluded, therefore, at this stage, I am inclined to grant bail to the applicant.
8. 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 one local surety 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