

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6885 of 2021**

- Gundhar @ Guddu Mandavi S/o Budhram Mandavi Aged About 25 Years Residing At Pakhnakongera Police Station Bhanpuri District Bastar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bhanpuri, District Bastar Chhattisgarh.

---- Respondent

For Applicant :- Mr. P.K. Tulsyan, Advocate
For Respondent-State :- Mr. Ravi Bhagat, Dy.G.A.
Prosecutrix is virtually present through help desk of DLSA,
Jagdalpur

SB.: Hon'ble Mr. Justice Rajendra Chandra Singh Samant
Order On Board

20/10/2021

1. The applicant has preferred this **second** application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.22/2020 registered in Police Station Bhanpuri, District Bastar, C.G. for the offence punishable under Sections 376, 506, 34 of the I.P.C. and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Earlier, the first bail application bearing MCRC No.7919/2020 was dismissed on merits vide order dated 12.3.2021.
3. It is submitted by learned counsel for the applicant that circumstances have changed in favour of the applicant after examination of the prosecutrix in trial. She has not supported the prosecution in any manner hence there is no case left against the applicant.
4. Learned State counsel would oppose the prayer for grant of bail by submitting that earlier bail application was rejected on merits, therefore, this application is also not needed to be allowed.
5. The prosecutrix is virtually present today through DLSA, Jagdalpur and she has objection in grant of bail to the applicant.
6. As this is second bail application for grant of bail and the earlier bail application was dismissed on merits, therefore, only change in circumstance is required to be considered.
7. Perused the certified copy of deposition of the prosecutrix filed along with the application, it shows that she has not supported the prosecution at any stage and has been declared hostile. That is the subsequent development in trial against the applicant, therefore, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed and the applicant is

directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one 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.

Certified copy as per rules.

SD/-

(Rajendra Chandra Singh Samant)
Judge

Ayushi