

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7168 of 2021**

Rahul Tripathi @ Khinti, son of Ashok Tripathi, aged about 23 years, resident of Badi Dafai Ledri, P.S. Jhagrakhand, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Jhagrakhand, District Korea (C.G.)

----Non-applicant

For Applicant	:	Mr. Hemant Kumar Agrawal, Advocate.
For Non-applicant	:	Mr. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi

Order On Board

26-10-2021

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 145/2021 registered at Police Station Jhagrakhand, District Korla for the offence punishable under Sections 450, 376(2)(b) of the Indian Penal Code and Sections 4 & 6 of the Protection of Children From Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant has committed sexual intercourse with the prosecutrix at her house on the pretext of marriage and, thereby, committed the aforesaid offences.

(3) Learned counsel for the applicant would submit that applicant is innocent person and he has been falsely implicated in the crime in question, as he has not committed the alleged offences. He would further submit that the prosecutrix has been examined before the trial Court but she has not supported the case of the prosecution and she has been declared hostile by the prosecution. He would also submit that the applicant has been arrested on 30.06.2021 and conclusion of the trial is likely to take long time and, therefore, the applicant

may be enlarged on regular bail.

(4) On the other hand, learned counsel for the State opposes the submissions made by counsel for the applicant stating that it is case of repeated sexual intercourse with the victim/prosecutrix, who was minor at the time of incident. The trial is going on, therefore, the applicant is not entitled to be released on bail.

(5) Victim/prosecutrix along with her mother appeared before this Court through video conferencing. They would submit that they have no objection, if the bail is granted to the applicant.

(6) I have heard learned counsel appearing for the parties and perused the case diary as well as the statements of the prosecutrix & her mother made before this Court.

(7) Considering totality the facts & circumstances of the case, particularly the deposition of victim/prosecutrix recorded before the trial, which shows that she has not supported the case of the prosecution and she has been declared hostile by the prosecution, I feel inclined to grant bail to the applicant. Accordingly, the bail application is allowed.

(8) Accused/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 in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

