

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8002 of 2021

- Rupesh Kumar Sahu S/o Duklaha Ram Sahu, Aged About 23 Years, Resident of Ward No. 4 Ahiwara, Police Station Nandini Tahsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandini, District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Om P. Sahu, Advocate.

For Non-applicant/State – Shri Ravi Bhagat, Deputy Govt. Advocate.

Shri Nishikant Sinha, Advocate for the victim.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-12-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-08-2020 in connection with Crime No.174/2020 registered at P.S. - Nandini, District Durg, Chhattisgarh for the offence under Section 376, 450, 34 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.7391 of 2020 was dismissed on merits on 23-02-2021. It is submitted that the circumstances have changed in favour of the applicant. The prosecutrix has been examined in the trial and she has not supported the prosecution case. It was on this ground co-accused Jai Prakash Soni has been granted bail in MCRC No.4001 of 2021 on 30-07-2021. Hence, it is prayed that this applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. The complainant/victim is represented by counsel. It is submitted that

she has no objection in grant of bail to the applicant and she has also filed an application along with the affidavit supporting the bail application of this applicant.

5. Heard learned counsel for the parties and perused the documents.

6. There is no need to consider the application again on merits.

7. The change in circumstances has to be taken note of. As the co-accused person has been granted bail and similar is the case of this applicant as well and further, the prosecutrix herself has no objection in grant of bail to the applicant, further, looking to the length of detention of the applicant in jail, I feel inclined to allow this application.

8. 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 applicant shall be released on bail on his 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 his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge