

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7359 of 2021**

Rajababu Mahilang S/o Shatruhan Das Mahilang Aged About 25 Years R/o Village Gota Tehsil Dhamdha, P.S.- Nandani, District Durg (Chhattisgarh) (As Per Charge Sheet), District : Durg, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through S.H.O. - P.S.- Kumhari, District - Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Respondent

For Applicant - Shri Avinash Chand Sahu, Advocate.

For Respondent/State - Shri Gagan Tiwari, Government Advocate.

Hon'ble Justice Shri N.K. Chandravanshi

Order on Board**17-12-2021**

1. Heard.
2. The applicant has preferred this **second bail application** under Section 439 of Cr.P.C., as he has been arrested in connection with Crime No.198/2020, registered at Police Station Kumhari, District – Durg (CG), for the offence punishable under Sections 363, 366, 376, 368 of the Indian Penal Code and Sections 4, 6, 17 of the Protection of Children from Sexual Offences Act

3. The first bail application of the applicant bearing MCRC No.916/2021 has been dismissed as withdrawn by this Court on 24-08-2021.
4. Case of prosecution, in brief, is that applicant abducted victim/prosecutrix who was minor girl at the time of incident and ravished her many times. On being complaint lodged by mother of victim/prosecutrix, present crime was registered at Police Station – Kumhari under Section 363 of the Indian Penal Code against unknown persons. During investigation, victim/prosecutrix was recovered from the possession of the applicant. After due investigation, charge sheet has been filed for aforesaid crime against the applicant.
5. Learned counsel for the applicant submits that applicant is innocent, he has neither abducted the victim/prosecutrix nor committed rape with her. He would next submit that the actual facts is that it is a case of consent and victim/prosecutrix herself had gone with present applicant on her own. Charge sheet has been filed, victim/prosecutrix and her mother have been examined in the trial Court but they have not supported the case of prosecution. They have completely turned hostile. He would next submit that applicant is in jail since 21-12-2020, conclusion of trial is likely to take some more time. Hence, he may be enlarged on bail.
6. Learned State counsel would oppose the bail application filed by the applicant.
7. Notice has been sent to informant/complainant/authorized person but none appeared before this Court either in person or through virtual mode.

8. Considering the submissions made by learned counsel for both the parties and particularly considering the fact that the victim/prosecutrix and her mother have turned hostile as they have not supported the case of prosecution, the applicant is a person of 25 years of age, he is in jail since long time, he is said to be permanent resident of Durg district, I feel inclined to grant bail to the applicant.
9. Accordingly, the present bail application is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond in the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

SD/-
(N.K. Chandravanshi)
Judge

Amardeep