

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7293 of 2021**

- Santosh Kumar Vishwakarma S/o Shanker Vishwakarma Aged About 30 Years
R/o Kumda Colliery, Police Station and Tahsil- Bishrampur, District : Surajpur,
Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police of Police Station-
Chirmiri, District : Koriya, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For State	:	Ms. Reena Singh, P.L.

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****21/10/2021**

Heard.

1. This is second application for grant of bail.
2. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.13/2021 registered at Police Station- Chirmiri, District : Koriya, C.G. for the alleged commission of offence under Sections 376, 376(2)(b) & 506 of IPC.
3. The second application for grant of bail has been filed on the ground that the prosecutrix has been examined during trial, wherein, she has not supported the case of the prosecution and has turned hostile.
4. Case of the prosecution, in brief, is that the applicant has performed forcefully sexual intercourse on several occasions with the prosecutrix, who is aged about 21 years and threatened her not to disclose about the incident to anyone otherwise, she has to face dire consequence. The prosecutrix has lodged a complaint, the matter has been investigated and on that basis, FIR has been lodged against the applicant.
5. Learned counsel for the applicant would submit that the prosecutrix has now

been examined and she has not supported the case of the prosecution and has turned hostile. Learned counsel for the applicant would further submit that the mother of the prosecutrix has also been examined and she has not supported the case of the prosecution and has turned hostile, therefore, at this stage, the applicant may be granted bail.

6. On the other hand, learned State Counsel opposes the bail application.
7. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the prosecutrix and her mother have been examined during trial and they have not supported the case of the prosecution and turned hostile, 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.50,000/- along with two local sureties 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/-
(Narendra Kumar Vyas)
Judge