

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8288 of 2021

- Jaiprakash Agariya S/o Ram Nandan Agariya (Ramlallu), Aged About 22 Years, R/o Village Lodhi, Police Outpost Wadrufnagar, Police Station Basantpur, District Balrampur-Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Basantpur, District Balrampur-Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Arun Kumar Shukla, Advocate.

For Non-applicant/State – Shri Pawan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-11-2021

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 01-10-2020 in connection with Crime No.152/2020 registered at P.S. - Basantpur, District Balrampur-Ramanujanj, Chhattisgarh for the offence under Section 341, 294, 506, 323, 363, 366A, 354/34, 376-D of the IPC and Section 6, 8, 17 (as per Charge Sheet) of 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 His first bail application MCRC No.8995 of 2020 was dismissed as withdrawn on 05-02-2021. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 01-10-2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case and she has been declared hostile witness. Therefore, it is prayed that this applicant be granted bail.

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

4. The prosecutrix is virtually present through the Help Desk of DLSA Balrampur. She has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant along with other co-accused persons accosted the minor prosecutrix and then by use of force this applicant forcibly disrobed and raped her. Hence, this case.
7. Considered on the submissions and perused certified copy of the deposition of the prosecutrix which shows that the prosecutrix has not supported the prosecution case and she is a hostile witness. Hence, looking to this development, 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