

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9326 of 2020**

- Prakash Joshi S/o Mannuram Joshi Aged About 19 Years Village- Juda, Thana And Tahsil- Kasdol, Distt. Balodabazar-Bhatapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station House Officer- Thana- Kasdol, Outpost- Lawan Distt. Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Deepak Jain, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/02/2021**

This is repeat application for grant of bail.

1. The applicant has been arrested in connection with Crime No.834/2019 registered at Police Station – Kasdol, outpost Lawan, District – Baloda Bazar - Bhatapara (C.G.) for alleged commission of offences under Section 354, 341, 376 of IPC and under Section 4 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the first bail application was rejected by this Court taking into consideration the FIR and the statement made by the prosecutrix alleging commission of rape on her. However, later on, the prosecutrix has been examined in the Court and in her evidence, she has denied commission of rape on her and confined her allegations that there was collision of bicycle which led to certain quarrel and report was lodged in the police station. He would further submits that every suggestion given by the prosecution has been denied by the prosecutrix. The mother of the prosecutrix has also turned hostile. Therefore, it is a case of false implication.
4. On the other hand, learned State counsel opposes prayer and submits that the allegations are of grave nature and other prosecution witnesses are yet to be examined

and if the applicant is granted bail, smooth progress of trial may be hampered.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the most important witness of the prosecution i.e. the prosecutrix herself has been examined and the prosecutrix has not at all supported the case of the prosecution and turned hostile, in the considered opinion of this Court, at this stage, it is a fit case for grant of bail.

6. Accordingly, the 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.25,000/- along with two local sureties for 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 make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge