

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9406 of 2020

Shekh Imran S/o Late Shekh Yusuf, Aged About 25 Years R/o Rani Road
Purani Basti Korba, Tahsil And District Korba Chhattisgarh., District : Korba,
Chhattisgarh
---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kotwali Korba, District Korba
Chhattisgarh, District : Korba, Chhattisgarh
---- Respondent

For Applicant	:	Shri Vikash Pandey, Advocate
For Respondent/State	:	Ms. Richa Shukla, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/05/2021

Heard.

This is second application for grant of bail. Earlier application was rejected by this Court on 09.10.2020.

1. The applicant has been arrested in connection with Crime No.699 of 2020 registered at Police Station-Kotwali, District Korba (CG) for the alleged commission of offence under Section 363, 366-A, 376 of IPC and 4, 6 of POCSO Act.
2. Learned counsel for the applicant would argue that the bail application has been renewed at this stage when as many as four prosecution witnesses including prosecutrix have been examined during trial and they have not supported the case of the prosecution. Learned counsel for the applicant would argue that the prosecutrix in her old statement has not supported the allegation of abduction or even rape and she has stated that no rape was committed on her. Therefore, at this stage, the applicant may be granted bail.
3. On the other hand, learned counsel for the State opposes the prayer and submits that earlier bail application was rejected by this Court taking into consideration the material contained in the charge-sheet and the gravity of allegation. He would submit that the applicant is being tried for grave

offence.

4. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that as many as four prosecution witnesses including prosecutrix have been examined and further taking into consideration the submission that the prosecutrix, in her evidence recorded during trial, has not supported the allegation of abduction and rape and has stated that no rape was committed on her, at this stage, this Court is inclined to release the applicant on bail particularly when the prosecutrix has already been examined and the trial has not been concluded till date.
5. 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.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge