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HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8856 of 2021**

- Karan Pradhan S/o Jawahar Pradhan aged about 20 Years (which is not mentioned in order), R/o Trimurty Nagar, Near Raj Kirana Store, P.S. Devendra Nagar, Raipur Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, P.S. Devendra Nagar, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. B.L. Sahu, Advocate
For Non-applicant/State	: Mr. Anil Tripathi, Panel Lawyer

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****16/12/2021**

1. Learned counsel for applicant submits that this is Second Bail Application. First bail application was dismissed on merits *vide* order dated 25.10.2021. He submits that this second application for grant of bail is filed on change circumstances as prosecutrix and other important witnesses have been examined before the trial Court and they have not supported the case of prosecution.
2. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 39/2021 registered at Police Station Devendra Nagar, District Raipur (C.G.) for the offence punishable under Sections 363, 376(3), 376(2)(n) and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of prosecution, in brief, is that prosecutrix and applicant were learning dance in same dance class at Devendra Nagar,

Raipur due to which they were known to each other. On 18.3.2021 when prosecutrix went to shop to purchase Maggi noodles, at that time applicant came there and asked her to accompany him. Prosecutrix was taken by applicant to a nearby place, there he forcibly committed sexual intercourse with her. Incident was reported by prosecutrix to her parents and on next date i.e. 9.3.2021, report was lodged based on which offence is registered against applicant.

4. Learned counsel for applicant would submit that prosecutrix and her father were examined before the trial Court on 26.10.2021 and they have not supported the case of prosecution. Copy of deposition sheets are filed as Annexure A-3. He also submits that notice was issued to prosecutrix under Section 439(1-A) of CrPC, she appeared before this Court on 09.12.2021 and stated that she is having no objection in grant of bail to applicant.
5. Learned State counsel, while opposing the submissions of learned counsel for the applicant, would submit that on the date of incident prosecutrix was aged about 16 years, hence, applicant is not entitled for grant of bail. However, upon asking specific query with regard to contents of Annexure A-3, he does not dispute the submission of learned counsel for applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration, nature of allegations, facts and circumstances of the case, submission of learned counsel for applicant that prosecutrix and her father have been examined before the trial Court and they have not supported the case of prosecution, applicant is in jail since 09.03.2021, without commenting anything on merits, I am inclined to allow the bail

application.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

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