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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8953 of 2021**

Gajendra Anuragi, S/o. Dhanesh Ram Anuragi, aged about 21 years, R/o. Village Pendri, Police Station Mastoori, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh. Through : Station House Officer, Police Station Mastoori, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. Devesh Chandra Verma, G.A.
For Prosecutrix	: Mr. Praveen Soni, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/12/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.168/2021, registered at Police Station – Mastoori, District Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 read with Section 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The first bail application of the applicant M.Cr.C. No. 5689 of 2021 was dismissed on merits vide order dated 22.09.2021.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. It is submitted that the circumstances have now changed in favour of the applicant. The

prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is no case present against the applicant. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are other witnesses yet to be examined, therefore, the application be rejected.
4. Prosecutrix is present before this Court and she has made statement of no objection in grant of bail to the applicant.
5. The mother of the prosecutrix is also present, before this Court and she has also made statement of no objection. Further an application of no objection has also been filed by the mother of the prosecutrix in grant of bail to the applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. The earlier bail application has been rejected on merits, therefore, only change in circumstances are required to be considered.
8. Perused the copy of the deposition of the prosecutrix filed along with the application, according to which, she is a hostile witness and she has not supported the prosecution case against the applicant. Hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram