

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6204 of 2015

1. Devsai Bharti, S/o. Hariharsai, aged about 21 years, R/o. Village-Govardhanpur, Police Station Trikunda, District – Balrampur-Ramanujganj (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Trikunda, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant	: Mr. V.K. Pandey, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2015

1. This is the first 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.28/2015, registered at Police Station – Trikunda, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 (2) (ढ) of the Indian Penal Code read with Section 5 and 6 of the Prevention of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made on 02.05.2015 alleging that the applicant has committed sexual intercourse with the prosecutrix, who was minor girl on the pretext of promise to marry and thereafter denied to marry with her and thereby, the offence is committed.
3. Learned counsel for the applicant would submit that the prosecutrix and her father has been examined before the Court below and they

have not supported the case of the prosecution. The counsel relied on the statement of the witnesses and prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statements of the prosecutrix and her father. Reading the statement of the witnesses would show that the witnesses have not supported the case of the prosecution. Considering the statements of the witnesses, without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge