

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6887 of 2015

Subhash Alias Pintu Panika S/o Shivmangal Panika Aged About 19 Years (18 Years 6 Months) R/o Dabaripara Murma, P.S. - Patna, Baikunthpur District - Koriya Chhattisgarh (Resident Wrongly Mentioned As Murma In The Rejection Order)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Patna, District - Koriya Chhattisgarh

---- Respondent

For applicant - Shri F.S. Khare, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/12/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 72/2015 registered in Police Station Patna, District-Koriya (C.G.) for offence punishable under section 363, 366, 368 & 376 of I.P.C. & under Section 4 & 6 of Protection of Children from Sexual Offence Act 2012 & u/s 3 (1-12) & 3 (2-5) Schedule Caste & Schedule Tribe (Prevention of Atrocity) Act.
2. As per the prosecution case the applicant enticed the prosecutrix on the pretext of marriage and took her away. Subsequently, he committed forceful sexual intercourse. Prosecutrix at the time of incident was minor therefore offence was committed.
3. Learned counsel for the applicant submits that prosecutrix has been examined before the court as PW-1. She has not supported the case of the prosecution and she has even not recognized the applicant. He relied on the statement of the prosecutrix filed along with this application and prays for release of the applicant on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having regard to the statement of the prosecutrix wherein prima facie she has not supported the case of the prosecution, without any observation on merit at this stage, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE