

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7202 of 2015

- Abhishek Masih, S/o Shri Glendvin Masih, Aged About 20 Years, R/o Jora, P.S. Telibandha, Raipur, Tahsil Raipur, Civil & Rev. Distt. Raipur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Telibandha, Civil And Rev. District Raipur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dashrath Kushwaha, Advocate.
For the Respondent	:	Mr. Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No.153/2015 registered at Police station Telibandha, Raipur Distt. Raipur (C.G) for the offences punishable under sections 363, 366 & 376 of IPC.
2. As per the prosecution case, the applicant enticed the victim and took her away from the lawful guardianship of her parents and thereafter committed forcible sexual intercourse, thereby the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined in this case and she has not supported the case of prosecution. He further submits that the other prosecution witness Santlal Banjare has also not supported the case of prosecution, therefore, he may be enlarged on bail. Certified copies of statements of prosecutrix and Santlal Banjare have been produced before this Court.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. Perused the statements of the victim girl and other witness Santlal Banjare. Prima facie it appears that they have not supported the case of prosecution.
6. Taking into the statement of the prosecutrix, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao