

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7248 of 2015

- Balakat Ansari S/o Fajil Ansari Aged About 21 Years R/o Village Kenwari, Police Station Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pratappur, District Surajpur Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate.
For the Respondent	:	Mr. U.K.S. Chandel, 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. 252/2014 registered at Police station Pratappur, District Surajpur (C.G) for the offences punishable under sections 363, 366 & 376 of IPC and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4 of Protection of Children from Sexual Offences Act, 2012.f IPC.
2. As per the prosecution case, on 06.12.2014 the applicant took the minor girl who belongs to Scheduled Caste from the lawful guardianship of one Prayag Ravi and thereafter committed forcible sexual intercourse. The matter was reported to the Police and subsequently he was arrested.
3. Learned counsel for the applicant referred to the statement of prosecutrix which is filed along-with the bail application and submits that the prosecutrix has been examined and she has not supported the case of prosecution. He submits

that the applicant is in jail since 18.05.2015 and prays for releasing the applicant on regular bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of prosecutrix. After perusal of the statement of prosecutrix u/s 164 Cr.P.C., prima facie, it appears that the prosecutrix has not supported the case of prosecution, therefore, without any observation on merits of the case and looking to the detention period of the applicant as he is stated to be in jail since 18.5.2015, I am inclined to release him on bail.
6. 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.
7. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE