

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.Cr.C. No. 5258 of 2015

Lalit Sahu, Son of Chandrika Sahu, aged about 20 years, resident of village Sargawn, P.S. Hirri, District Mungeli (C.G).

Vs.

State of Chhattisgarh, through Police Station Hirri, Distt. Bilaspur (C.G).

12.10.2015	Mr. Bhupendra Singh, counsel for the Applicant. Mr. Ashish Shukla, Govt. Advocate, for the State. Heard. This is third bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No.269/2013 registered at Police Station Hirri, Distt. Bilaspur (C.G) for the offence punishable u/ss 363, 366, 376 IPC and Section 4 of the Protection of Children from Sexual Offences. The first bail petition was dismissed on merits on 01.04.2014 and the second one was dismissed for want of prosecution. Learned counsel for the petitioner submits that the prosecutrix has been examined and from the statement of the prosecutrix, it would be clear that the prosecutrix was a consenting party and because of the dispute arose, the report was made. He further submits that according to the prosecutrix, she herself went along-with the applicant and taking into the statement of the prosecutrix which is placed on record wherein it is stated that no offence of rape has been committed, benefit should have been considered in favour of the appellant. Per contra, learned State counsel opposes the bail application. The statement of the prosecutrix is placed on record. Having regard to the cross examination of the	

R a o	prosecutrix and considering the fact that the applicant is in jail since 14.10.2013, without any observation being made on merits of the case, I am inclined to allow this application. Accordingly, the bail application is allowed and it is directed that the applicant shall 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 is directed to appear before the said Court on each and every date to be given by the said Court. Cc as per rules. Sd/- Goutam Bhaduri Judge	
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