

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5655 of 2015

- Sakti Singh Choudhary, son of Shankar Singh Choudhary, aged about 26 years, resident of village Boriyakala, Housing Colony House No.577, P.S. Sejbahar, Civil & Revenue District Raipur (C.G)

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Sejbahar, Distt. Raipur (Chhattisgarh).

--- Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.10.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 42 of 2015 registered at P.S. Sejbahar, District Raipur(C.G) for the offence punishable under Sections 363, 366, 376, 493 of IPC and Section 3 & 4 of the POCSO Act.
2. As per the prosecution story, on 21.04.2015 a report was made by Smt. Basu Bagh that her daughter was abducted by the applicant on 19.4.2015 and thereafter forcible rape was committed on her, on the basis of which, an offence was registered.
3. Learned counsel for the applicant submits that the prosecutrix was examined before the Court wherein she has not supported the case of prosecution. He has relied on the statement of the prosecutrix and submits that she has

denied the incident. He further submits that the applicant is in jail since 22.04.2015 and prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Taking into consideration the totality of the circumstances and having gone through the statement of prosecutrix wherein she has not supported the case of prosecution and further looking the period of detention of the applicant, without making any observation on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.
7. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**