

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5660 of 2015

- Dhanraj Mandle, son of Kishan Lal Mandle, aged about 24 years, resident of Bhatgaon, Out Post Jevra, Sirsa, District Durg (C.G).

---- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Pulgaon, District Durg (Chhattisgarh). --- **Non-applicant**

For the applicant	:	Mr. B. P. Singh, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.10.2015

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. 109 of 2015 registered at P.S. Pulgaon, District Durg (C.G) for the offence punishable under Sections 450, 376(1) & 506 IPC.
2. As per the prosecution case, the prosecutrix lodged a report on 02.03.2015 alleging that the applicant has committed forcible rape on her before one week of the report dated 02.03.2015 when her husband was out of the house.
3. Learned counsel for the applicant submits that the prosecutrix has been examined. He has placed on record the statement of prosecutrix and would submit that nothing has been stated by the prosecutrix to support the prosecution case and she has become completely hostile and therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned State Counsel opposes the bail application.
5. Having gone through the statement of the prosecutrix wherein she

has not supported the prosecution case and has become hostile and without making any observation on the merits of the case at this stage, this Court is inclined to release him on bail. Accordingly, this application is allowed.

6. 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. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**