

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 357 of 2016

- Ravi Kumar Chouhan S/o Naval Kishore Chauhan Aged About 18 Years R/o Near Hanuman, Kohka, Civil & Rev. Distt. Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Supela, Civil & Rev. District Durg, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Janak Ram Verma, Advocate
For the Respondent	:	Mr. Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.02.2016

1. This is second application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 73 of 2015 registered at P.S. Supela (C.G) for the offence punishable under Sections 363, 366, 376(D), 377 of IPC and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 02.02.2015 the applicant along-with other co-accused took the prosecutrix aged about 13 years and committed forcible sexual intercourse. Subsequently, the matter was reported and the applicant was taken into custody.
3. Learned counsel for the applicant submits that the mother of prosecutrix and the so called eye-witness Riya have been examined but none of them has supported the case of prosecution case. He relied on the statements of witnesses and submits that the applicant has been falsely implicated in this case. He further submits that the applicant is in jail

since 10.02.2015 and prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements of prosecutrix, her mother and eye-witness Riya wherein they have not supported the case of prosecution.
6. Taking into such statements of the prosecution witnesses and also looking to the period of detention of the applicant as he is stated to be in jail since 10.02.2015, without any observation on merits of the case, I am inclined to release him on bail. Accordingly, this application is allowed.
7. 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 trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE