

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 610 of 2016

- Raja @ Ankit Mahanand S/o Vimal Kumar Mahanand Aged About 21 Years R/o Gandhi Nagar Ward, Jagdalpur, Civil & Revenue Distt. Bastar Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through P.S. - Geedam, Dist : Dantewada Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Rakesh Thakur, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.02.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 90 of 2015 registered at P.S. Geedam, District Dantewada (C.G) for the offence punishable under Section 363, 366, 366(A), 370, 376 & 323/ 34 of IPC and Sections 5, 6, 9, 10 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the prosecutrix was forcibly taken away by the applicant and kept her under captivity and committed forcible sexual intercourse many a time.
3. Learned counsel for the applicant submits that the applicant and prosecutrix were living together as husband and wife and the prosecutrix has not supported the case of prosecution, therefore, in these circumstances, the applicant may be released on bail
4. Per contra, learned State Counsel opposes the bail application.

5. Perused the statements of P.W.1, P.W.2 & P.W.3 as also the statement of prosecutrix as P.W.4 wherein the prosecutrix and other witnesses have not supported the case of prosecution.
6. Taking into fact that the prosecution witnesses have not supported the case of prosecution, without any observation on merits of the case, this Court is 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 shall also appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE