

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1109 of 2016

- Surendra Singh S/o Late Shri Shivram Aged About 18 Years
R/o Ward No. 16, P.S. Charcha, District Korea Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through P.S. Charcha, District Korea
Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Arvind Singh, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.02.2016

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.107 of 2015 registered at P.S. Charcha, District Korea (C.G) for the offence punishable under Section 450, 376 of IPC read with Section 4 of Protection of Children from Sexual Offences Act, 2012. The first bail application was dismissed on 14.12.2015.
2. The prosecution case, in brief, is that on 22.06.2015, a report was made by the prosecutrix that one Sonu has committed rape on her on the pretext of marriage and while making such report it was stated that prior to six months back applicant Surendra and co-accused Sachin Yadav had also committed rape on her. Therefore, the investigation has been made and the applicant was arrested.
3. Learned counsel for the applicant submits that the prosecutrix as also her mother have been examined in this

case and they have not supported the case of prosecution. He relied on statements of prosecutrix and her mother and would submit that four cases were pending and one of the accused has also been acquitted.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements of the prosecutrix and her mother. It shows that they have not supported the case of prosecution.
6. Taking into such statements, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. 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 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