

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1530 /2016

Balendra, S/o. Gajadhar Gond, Aged About 22 Years, R/o. Pendri, Police Station & Tahsil - Manendragarh, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. - Manendragarh, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. F.S.Khare, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.03.2016

1. This is the second bail application. The first bail application was dismissed as withdrawn on 19.01.2016 with liberty to repeat after examination of the prosecutrix. Learned counsel for the applicant submits that now the prosecutrix has been examined and therefore the second bail application
2. The instant second bail application is filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.100/2015 registered at Police Station– Manendragarh, District Korea (C.G.) for the offence punishable under Section 344, 363, 368 & 376 of IPC and under Section 4, 5, 6, 9 & 10 of Protection of Children from Sexual Offence Act, 2012.
3. Case of the prosecution, in brief, is that the applicant allured the prosecutrix who is minor on the date of incident and thereafter took her away from the natural guardianship of her mother and father and committed forceful rape.

4. Learned counsel for the applicant submits that the prosecutrix in this case has been examined and she has not supported the case of the prosecution. He referred to the statement Annexure A-3 and would submit that in view of the same, the applicant may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix and the witness, without any observation on merit, taking into fact that the prosecutrix has not supported the case of the prosecution, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge