

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2096 of 2016

Santram Chauhan S/o. Kartikram Chauhan, Aged about 23 years, occupation, Computer Operator, R/o. Maheshpur, Police Station Bagbahra, District Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Lailunga, District Raigarh (C.G.)

---- Respondent

For Applicant :- Mr. Ashish Gupta, Advocate

For Respondent/ State :- Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

11/04/2016

1. This is the second bail application 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. 249/2015 registered at Police Station- Lailunga, District Raigarh (C.G.) for the offence punishable under Sections 376 of Indian Penal Code and section 4 of the protection of Children from Sexual Offence Act, 2012.
2. The first bail application was dismissed as withdrawn with liberty to renew the prayer after examination of the prosecutrix on 25.01.2016 in M.Cr.C. No. 7145 of 2015.
3. As per the prosecution story, the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix. subsequently, the applicant denied to perform marriage with the prosecutrix as such the report was made against the applicant.

4. Counsel for the applicant submits that in this case the prosecutrix has been examined as Annexure A/3, and she has not supported the case of the prosecution. He further submits that the no purpose would not be served to keep the appellant behind the bar, therefore, applicant may be released on bail.
5. Learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix, wherein she has not supported the case of the prosecution. Considering such statement without any observation on merit, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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