

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2480 of 2016

Krishna Giri S/o. Sureet Giri, Aged about 21 years, R/o. Village Kepi,
P.S. Dhourpur, District Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station
Dhourpur District Surguja (C.G.)

---- Respondent

For Applicant	:- Mr. Jitendra Shrivastava, Advocate
For Respondent/ State	:- Mr. Sumit Jhanwar, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

02/05/2016

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. 43/2015 registered at Police Station- Dhourpur, District Surguja (C.G.) for the offence punishable under Sections 363,366 (A) and 376 (D) of the Indian Penal Code and section 5(F) of protection of children from sexual offence act, 2012.
2. The first bail application was dismissed on merit on 28.01.2016 in M.Cr.C. No. 289 of 2016.
3. As per the prosecution story on 24.10.2015 the prosecutrix when went to answer call of nature, at that time the applicant along with one Abhay Patel caught hold of the girl, dragged her to a place, thereafter Abhay Patel committed sexual intercourse with the prosecutrix.

4. Counsel for the applicant submits that the prosecutrix has been examined in this case and she has not supported the case of the prosecution. He further submits that the mother of the prosecutrix was also examined and she has not supported the case of the prosecution, therefore, the applicant may be enlarged on bail.
5. Learned State counsel opposes the prayer for grant of bail however, do not dispute the fact that the prosecutrix and mother of the prosecutrix has turned hostile and have not supported the case of the prosecution.
6. Perused the case diary and the statement. Perusal of the case diary and the statement attached along with the bail petition would show that the prosecutrix and the mother of the prosecutrix have not supported the case of the prosecution and have turned hostile. Considering the same 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