

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 2500 of 2016**

1. Ishwar, S/o. Fagwa Ram Dewangan, aged about 32 years, R/o. Village- Bhadrali Nandghat, Bemetara, presently residing at Bhawani Nagar, Gudiyari, Raipur, District-Raipur (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, Through : Police Station – Urla, District – Raipur (Chhattisgarh)

---- Respondent

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| For Applicant        | : Mr. Suresh Tandon, Advocate    |
| For Respondent/State | : Mr. Anant Bajpai, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**27/06/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.272/2015, registered at Police Station – Urla, District – Raipur (C.G.) for the offence punishable under Section 363, 366 and 376 of Indian Penal Code and 4, 6 & 8 of the Protection of Children from Sexual Offences Act and Section 3 (1) (12) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that a report was lodged by the mother of the prosecutrix that the applicant allured the minor girl and took away from lawful guardianship of her parents and committed sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the prosecutrix, her mother and brother were examined before this Court and they have not supported the case of the prosecution. He further submits that the applicant is in jail since 08.01.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that prosecutrix and her mother have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. After going through the statements, it appears that the prosecutrix has not supported the case of the prosecution. Taking into such fact, without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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