

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3154 of 2016

1. Meenu Verma, S/o. Parmanand Verma, aged about 19 years, R/o. Village-Paleni, Post – Hantranka, Police Station & Tahsil – Khamhariya, Civil and Revenue District – Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Khamhariya, Civil and Revenue District – Bemetara (Chhattisgarh)

---- Respondent

For Applicant	: Mr. V.A. Goverdhan, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

1. This is the second 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.126/2015, registered at Police Station – Than Khamhariya, District – Bemetara (C.G.) for the offence punishable under Section 363, 366, 376, 323, 506 of Indian Penal Code and Section 4, 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (1) (xi) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. The first bail application was dismissed on merits vide order dated 28.01.2016.
2. Case of the prosecution, in brief, is that on 14.11.2015 the applicant went to the house of prosecutrix, caught hold of her hand and thereafter took her away on the pretext of marriage and during her

stay with the applicant, she was subjected to forcible sexual intercourse.

3. 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 as would evident from Annexure A/3, therefore, no case is made out against this applicant, therefore, he prays that 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 dispute the fact that prosecutrix has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. Perusal of the statement of the prosecutrix, prima-facie shows that she has not supported the case of the prosecution. Taking into such statement 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 each 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