

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4144 of 2016

Omkar @ Raju Tiwari, S/o Satyanarayan Tiwari, Aged About 27 Years (not mentioned as aged in the bail rejection order), R/o Bandhwapara, Police Station Sarkanda, Tahsil - Bilaspur, Civil & Revenue District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station Sarkanda, Civil & Revenue District Bilaspur Chhattisgarh

---- Respondent

For applicant - Shri Kamal Kishor Patel, Advocate.
For Respondent/State – Shri Om.P. Sahu, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/07/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 16/02/2016 with liberty to revive the bail application after six months.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.459/2015 registered in Police Station Sarkanda Civil and Revenue District Bilaspur (C.G.) for offence punishable under sections 363, 366, 376, 34 of the Indian Penal Code and Section 3, 4 of the Protection of Children from Sexual Offences Act.
3. As per the prosecution case, the applicant enticed the girl and took her away from the lawful guardianship of her mother and father and committed sexual intercourse. The applicant was arrested on 22/09/2015.
4. Learned counsel for the applicant submits that the prosecutrix was major and she of her own had joined the company of the applicant and prosecutrix has been examined before the court and she has not supported the case of prosecution, therefore no case is made out against

the applicant and he may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the prosecutrix which is on record. Considering such statement wherein prima facie it appears that no allegations have been attributed against the applicant. Considering such statement without further observation on the merits, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE