

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4258 of 2016

- Sumit @ Niranjan Yadav S/o Kailash Yadav Aged About 20 Years R/o Ward No. 4, Naya Dhaba, Thana Lalbagh, Rajnandgaon, District Rajnandgaon, Chhattisgarh. ---
Petitioner

Versus

- State of Chhattisgarh through P.S. Dongargaon, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sameer Singh, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.08.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 43/2016 registered at P.S. Dongargaon, Distt. Rajnandgaon (C.G) for the offence punishable under Section 376/34 of IPC and Sections 4 & 8 of the Protection of Children from Sexual Offences Act and Section 3(1)(xii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, a report was made by the prosecutrix that on 05.02.2016 the present applicant and other co-accused picked up her in his motorcycle and took away to a field and thereafter he committed forcible sexual intercourse.
3. Learned counsel for the applicant submits that this is second bail application. The earlier bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix. He submits that the prosecutrix has been

examined and she has not supported the case of prosecution. A certified copy of the statement has been placed on record.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of prosecutrix wherein she has not supported the case of prosecution. Considering such statement of prosecutrix and further taking into totality of facts and circumstances of the case, without any observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE