

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3801 of 2016**

Sohan Tirkey, S/o. Shri Baleshwar Tirkey, Aged About 24 Years, R/o. Village Ginjai Para Chando, P.S. Chando, District Balrampur, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Police Station Balrampur, District Balrampur-Ramanujganj, Civil District Surguja, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Bhupendra Singh, Advocate.

For Respondent : Mr. Satish Gupta, Govt. Advocate.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**19.07.2016**

1. This is the first 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.77/2015 registered at Police Station- Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376, 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that in between 2011 to 2014 on the pretext of marriage, the applicant has committed sexual intercourse with her and subsequently the applicant refused to marry.
3. Learned counsel for the applicant would submit that the prosecutrix has been examined in this case and she has not supported the case of the prosecution; therefore, under the facts and circumstances of the case, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not able to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. Perused the case diary and statement. After going through the statement of the prosecutrix which shows that she has not supported the case of the prosecution, without any further observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-  
**(Goutam Bhaduri)**  
Judge