

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6891 of 2016

Kishan Dewangan S/o Shri Chotelal Dewangan, Aged About 19
Years R/o Rajeev Gandhi Nagar, Mitthumuda, Police Chowki -
Jutemill, P/s Kotwali, Civil And Revenue District Raigarh
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S H O Of The Police Chowki -
Jutemill & Police Station - Kotwali, District Raigarh Chhattisgarh

---- Respondent

For applicant - Shri Abhishek Saraf, Advocate.
For Respondent/State – Shri Avinash K. Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/11/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 4/01/2016 vide M.Cr.C. No.7305 of 2015 with liberty to repeat the prayer after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.697/2015 registered in Police Chowki Jutemill and P/s. Kotwali, Raigarh (C.G.) for offence punishable under sections 376(2)(F)(G), 342, 506 of the IPC & 4, 6 of the POCSO Act.
3. As per the prosecution case, on 15/09/2015 a report was lodged that on 10/09/2015 the applicant alongwith co-accused have committed forceful rape on the prosecutrix who was minor. Thereby, offence was committed.
4. Learned counsel for the applicant submits that the prosecutrix has been examined as also mother and father of the prosecutrix have been

examined, they have not supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that prosecutrix and her parents have been examined and they have not supported the case of the prosecution.

6. Considering the statements which are on record which shows that prosecutrix and her parents have not supported the case of the prosecution, 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.

Sd/-

(Goutam Bhaduri)

JUDGE