

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1537 /2016

Bhanu Pratap Narang, S/o. Dhaniram Narang, Aged About 23 Years (Not mentioned in cause title) R/o. Village Kasahi Bahra, P.S. Pithoura, Distt. Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, (Chowki Vidhan Sabha) P.S. Vidhan Sabha, Raipur, Tah. & Distt. Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Yogendra Chaturvedi, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.03.2016

1. This is the second bail application. The first bail application was dismissed as withdrawn on 17.12.2015 with liberty to repeat after examination of the prosecutrix. Learned counsel for the applicant submits that now the prosecutrix has been examined and therefore the second bail application.
2. The instant second bail application is 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.33/2015 registered at Chowki/ Police Station– Vidhan Sabha, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376(2)(झ) /34 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offence Act, 2012.
3. Case of the prosecution, in brief, is that on 07.02.2015 the applicant forcefully took away the prosecutrix from the natural guardianship of her mother & father and thereafter committed forceful sexual

intercourse and it was further case of the prosecution that at the time of incident, the prosecutrix was minor.

4. Learned counsel for the applicant submits that the prosecutrix and her father has been examined and they have not supported the case of the prosecution. He referred to the statement of the prosecutrix and would submit that in view of the same, the applicant may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix and her father. Taking into fact that prima facie the prosecutrix has not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge