

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1910 of 2016

Pragati Tiwari @ Khushboo, D/o. Raju Tiwari, Aged about 18 years,
Residing at Jabadapara Sarkanda, Police Station Sarkanda, Revenue
and Civil District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Police Station Civil Line, District
Bilaspur (C.G.)

---- Respondent

For Applicant	:- Mr. P.K. Tulsiyan, Advocate
For Respondent/ State	:- Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

07/04/2016

1. This is the second 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. 601/2015 registered at Police Station- Civil Line, Bilaspur (C.G.) for the offence punishable under Sections 363,365, 366A, 370, 370(A) and 376 (D) of IPC and 5(g), 6 of the protection of children from sexual offence act, 2012 and section 3(1)(12) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989.
2. The first bail application was dismissed on merit on 28.10.2015 in M.Cr.C. No. 5728 of 2015.
3. As per the prosecution story, at the instance of the applicant, applicant along with Anisha Masih and Nishangi Tandon they went to Raipur and thereafter they stayed in a Guest House wherein

Anisha Masih and Nishangi Tandon were made to stay in a room and the applicant Pragati Tiwari @ Khushboo stayed in a separate room. Thereafter, they were given cold drink with intoxicant by the applicant and when they lost their conscious and thereafter three to four boys committed sexual intercourse with them. Thereafter, the applicant fled away from the hotel.

4. Counsel for the applicant submits that in this case the prosecutrix minor girl as also the mother of the prosecutrix both have been examined and they have not attributed the allegation against this applicant and they have not supported the case of the prosecution, therefore, no case is made out against this applicant and prays that the applicant may be released on bail.
5. Learned State counsel opposes the prayer for grant of bail however, do not dispute the fact that the prosecutrix, mother and father of the prosecutrix has turned hostile and have not supported the case of the prosecution.
6. Perused the case diary and the statement. Perusal of the case diary and the statement attached along with the bail petition would show that the prosecutrix and the parents have not supported the case of the prosecution and have turned hostile. Considering the same without any observation on merit, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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

Santosh