

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3322 of 2016

Ghanshyam Sahu, S/o. Shri Daulatram Sahu, Aged About 25 Years, R/o. Kokpur, Police Station/ Tahsil Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Dongargaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/07/2016

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.40/2016 registered at Police Station- Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant on 07.02.2016 forcefully committed sexual intercourse with the prosecutrix and the applicant was the brother-in-law of the prosecutrix. It was also alleged that the applicant had continued his relation for sexual exploitation and against the will of the prosecutrix she was sexually exploited in between the period from 2012-2015.
3. Learned counsel for the applicant submits that the prosecutrix has been examined and she has not supported the case of the

prosecution and it is also stated that the husband of the prosecutrix has also not supported the case of the prosecution; therefore, under the facts and circumstances of the case, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix wherein prima facie it appears that she has not supported the case of the prosecution. Considering the same, without any observation on merit, for the purpose of bail, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge