

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2276 of 2016

Mical Banjare @ Thakur Ram Banjare S/o Shri Bhulau Ram
Banjare Aged About 28 Years R/o Saklor, P.S. Suhela, District
Baloda Bazar, Presently R/o At Ward No. 9, Newra, P.S. Newra,
Civil And Rev. Distt. Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Newra, Civil And Rev. Distt. Raipur Chhattisgarh.

---- Respondent

For applicant - Shri M.K. Bhaduri, Advocate.
For Respondent/State –Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/04/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 19/01/2016 with liberty to repeat the same after examination of the prosecutrix.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. 273/2015 registered in Police Station Newra, District Raipur (C.G.) for offence punishable under sections 363, 366, 376, 506 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant on 2/10/2015 allured the prosecutrix, took her away from the legal guardianship of her parents and thereafter committed sexual intercourse on the pretext of marriage. Therefore, offence is committed.
4. Learned counsel for the applicant submits that prosecutrix and her mother have been examined and they have not supported the case of the prosecution, therefore the applicant may be enlarged on bail.

5. Learned State counsel opposes the prayer for grant of bail, however do not dispute the fact that prosecutrix has turned hostile.

6. I have perused the statement of the prosecutrix and her mother, they have not supported the case of the prosecution. Taking into such facts, this court is inclined to release the applicant on bail.

7. Accordingly, the second 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 local surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE