

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2496 of 2016

Anand Mishra, S/o. Shri Rajmani Mishra, aged about 34 years, R/o. Amleedih, In front of Saint Joseph School, P.S. New Rajendra Nagar, Tehsil and District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Mana Camp, Raipur District Raipur (C.G.)

---- Respondent

For Applicant	:- Mr. Bhaskar Payashi, Advocate
For Respondent/ State	:- Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

03/05/2016

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. 184/2015 registered at Police Station- Mana Camp, Raipur District Raipur (C.G.) for the offence punishable under Sections 376 and 342 of the Indian Penal Code.
2. The first bail application was dismissed on merit on 04.01.2016 in M.Cr.C. No. 7244 of 2015.
3. Case of the prosecution, in brief, is that the victim prosecutrix who is the employee of the applicant went along with the applicant in the car for business deal and while coming back, the applicant committed forceful rape with the prosecutrix.

4. Counsel for the applicant submits that there is change of circumstances as the prosecutrix has been examined before the Court below and she has not supported the case of the prosecution. He further submits that the husband of the prosecutrix has also been examined and he has not supported the case of the prosecution. He further submits that since some advance was taken by the complainant, therefore, the dispute arose and the report was made against the applicant, therefore, the applicant may be enlarged on bail.
5. Learned State counsel opposes the prayer for grant of bail.
6. Perused the statement of the prosecutrix which is placed on record. Perusal of the statement of the prosecutrix would show that the prosecutrix and her husband has not supported the case of the prosecution. 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.

Sd/-

(Goutam Bhaduri)
Judge