

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2645 of 2016

- Ravi Kumar Yadav S/o Ramnath Yadav Aged About 18 Years
R/o Village Ghutra Para, Ambikapur, At Present R/o
Kenabandh, Ambikapur, District Surguja, Chhattisgarh. Civil
& Revenue District Surguja (Ambikapur), Chhattisgarh.
--- **Petitioner**

Versus

- The State of Chhattisgarh through Police Station Ambikapur,
District Surguja, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. A. K. Prasad, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.05.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 476/2015 registered at P.S. Kotwali, Ambikapur, Distt. Surguja (C.G) for the offence punishable under Sections 363, 366, 376 IPC & section 4 of the Protection of Children (from Sexual Offence) Act, 2012.
2. As per the prosecution case, on 02.09.2015, the applicant enticed the prosecutrix and thereafter committed forcible sexual intercourse with her. The prosecutrix being minor, a case was registered against the applicant.
3. Learned counsel for the applicant submits that this is second bail petition and the earlier bail was dismissed on 13.01.2016 with liberty to repeat the same after examination of the prosecutrix. It is contended that the prosecutrix has been

examined and she has not supported the case of prosecutrix, therefore, the applicant may be enlarged on bail.

4. Learned State Counsel opposes the bail. However, he do not dispute the fact that the prosecutrix has turned hostile.
5. Perused the statements of prosecutrix and her mother wherein they have not supported the case of prosecution and they have turned hostile.
6. Considering the totality of the facts and circumstances of the case especially the fact that the prosecutrix and her mother have been examined and they have not supported the case of prosecutrix and looking to the period of detention of the applicant as he is stated to be in jail since 05.09.2015, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE