

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3282 of 2016

- Rohit Gupta S/O Balram Prasad Gupta Aged About 26 Years R/O Village - Kerta P.S. - Chalgali Distt. - Balrampur - Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Chalgali Distt. Balrampur - Ramanujganj Chhattisgarh

---- Respondent

For Applicant : Mr. A.N. Pandey, Advocate

For Respondent/State : Mr. O.P. Sharma, Govt. Advocate.

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 on 25-10-2015 in connection with Crime No. 54 of 2015, registered at Police Station Chalgali, District Balrampur – Ramanunganj (CG) for the offence punishable under Sections 450, 354/34, 376(D), 506 of IPC and Sections 3(2-5) and 3(1-12) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.
2. As per prosecution case, on 25-10-2015 a report was made that on 24-10-2015 when the prosecutrix was coming back from village Manikpur to her village Barouli along with her friend, at that time applicant along with other co-accused came there in Scorpio vehicle, stopped her and caught hold of her hand and on being objected, the applicant fled away from the spot. Thereafter, when the prosecutrix was sleeping in the house of her friend, the

applicant along with other co-accused came there and took her in Scorpio and forcibly committed sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined before the court below and she has not supported the prosecution case and even the medical report of the prosecutrix does not support the case of the prosecution, therefore no case is made out against the applicant. He would further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed in this case and he is in jail since 25-10-2015, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the prosecutrix has not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix and also other witnesses namely Danial (PW/3), father of the prosecutrix and Nirmala (PW/2), friend of the prosecutrix which show that they have not supported the prosecution case.
7. Taking into consideration the totality of the circumstances, nature of allegation leveled against the applicant and considering the statements of the prosecutrix and her father and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju