

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4467 of 2016

Vikas Agrawal, S/o. Shri Pawan Agrawal, Aged about 31 years, R/o. Laxmi Niwas, Near Uma Dairy, Shree Nagar Road, Gudhiyari, Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- New Rajendra Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Dr. N.K.Shukla, Senior Advocate with Mr. Maneesh Sharma, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.08.2016

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.67/2016 registered at Police Station- New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Section 376-B, 506, 323 of Indian Penal Code. The first bail application is dismissed as withdrawn on 29.06.2016 in MCRC No.3195/2016.
2. As per the prosecution case, a report was made by the prosecutrix on 27.04.2016 that the applicant has developed relation with the prosecutrix and committed forceful sexual intercourse as also unnatural sex with the prosecutrix and also at time assaulted the prosecutrix; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the prosecutrix in this case has been examined and she has not supported the

case of the prosecution and therefore no offence is made out against the applicant and, as such, he may be enlarged on bail.

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

Sd/-
(Goutam Bhaduri)
Judge