

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4638 of 2016

Omprakash @ Dablu, S/o. Rajeshwar Gahbariya, Aged About 26 Years,
R/o. Village Parasdiha, P.S. - Basantpur, Revenue District Balrampur –
Ramanujganj, Civil District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Basantpur, Distt.
Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

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

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

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 in connection with Crime No.95/2015 registered at Police Station- Basantpur, Distt. Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366(A), 376, 506(B) of Indian Penal Code and under Section 4 of Protection of Child from Sexual Offences.
2. As per the prosecution case, a report was made by the prosecutrix on 14.09.2015 that when she was scolded at her house at that time she met with the applicant and other co-accused and she was taken to Kharhara Jungle and thereafter when they reached near forest, they stopped the vehicle and both of them committed forceful sexual intercourse and she was also threatened that she may not disclose the fact to any one.

3. Learned counsel for the applicant would submit that the prosecutrix and her father has been examined before the Court below and they have not supported the case of the prosecution. He relied on the statement Annexure A-2 & A-3 and would submit that under the facts and circumstances of the case, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix and her father have turned hostile.
5. Perused the case diary and the statement of the prosecutrix and her father. Considering such statement, 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