

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6771 of 2015

- Kishun Bhashkar S/o Aghanu Bhashkar, Aged About 39 Years
R/o Village Salheghori, Police Station and Tahsil Lormi, Civil
District Bilaspur, Revenue, District Mungeli (Chhattisgarh)

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station- Lormi, District- Mungeli, Chhattisgarh

---- Respondent

For the applicant	:	Mr. A. K. Yadav, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 431/2014 registered at P.S. Lormi, Distt. Mungeli (Civil District Bilaspur (C.G) for the offence punishable under Section 376 & 456 read with Section 34 of IPC.
2. Case of prosecution, in brief, is that on 07.12.2014 at about 10 o' clock, the applicant along-with co-accused entered into the house of prosecutrix and thereafter took her away to a community building where the present applicant committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that the prosecutrix as also other prosecution witnesses namely Basant Bai and Ram Prasad have not supported the case of prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements prosecutrix (P.W.1) and other witnesses Basant Bai (P.W.2) and Ram Prasad (P.W.3). A perusal of the statements of these witnesses would show that they have not supported the case of prosecution.
6. Taking into the totality of the circumstances and on perusal of the statements of prosecution witnesses, without any observation on merits of the case, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.
7. 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.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE