

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7325 of 2015

1. Shravan Kodaku, S/o. Harivansh Kodaku, aged about 28 years, R/o. Village-Indrapur, Police Station- Ramanujganj, District – Balrampur-Ramanujganj, Civil District – Sarguja, Revenue District – Balrampur-Ramanujganj (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Ramanujganj, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/01/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.149/2014, registered at Police Station – Ramanujganj, District – Balrampur (C.G.) for the offence punishable under Section 450, 376 (d), 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 02.08.2014 at about 3.00 PM, co-accused Ramsagar @ Govind and applicant Shravan Kodaku came to the house of the prosecutrix and the applicant stayed out side of the home of prosecutrix, Ramsagar entered into the home and has committed rape with the prosecutrix.
3. Learned counsel for the applicant would submit that the prosecutrix in this case has been examined before the Court below and she has not supported the case of the prosecution. He relied on the statement of

the prosecutrix, which is placed on record and prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perusal of the statement of the prosecutrix shows that prosecutrix has not supported the case of the prosecution. Considering the same, without any observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge