

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5415 of 2016

1. Nilesh Kumar Yadav @ Monu, S/o. Ajay Yadav, aged about 22 years, By Caste-Yadav, R/o. Sangam Nagar, Bela Kachhar, Police Station, Balco Nagar, Civil and Revenue District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Balco Nagar, Civil and Revenue District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Akhilesh Kumar, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/09/2016

1. This is the third 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.154/2015, registered at Police Station – Balco Nagar, District – Korba (C.G.) for the offence punishable under Section 323, 376 of Indian Penal Code. The first bail application was rejected on 23.11.2015 and second bail application was rejected on 13.07.2016.
2. Case of the prosecution, in brief, is that the applicant who is neighbour of the prosecutrix committed sexual intercourse on the pretext of marriage and she became pregnant from the applicant. When the applicant was requested for marriage with prosecutrix, it was turned down, thereby the offence has been committed.

3. Learned counsel for the applicant submits that the prosecutrix in this case has been examined and she has not supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. Perusal of the statement would show that she has not supported the case of the prosecution. Considering her statement, without any further 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