

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5473 of 2016

Sawan Sethiya S/o Deviram Sethiya, Aged About 22 Years, R/o Village Bolbola, Police Station Kondagaon, District-Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Makadi, District Kondagaon, Chhattisgarh.

---- Respondent

For applicant - Shri Uttam Pandey, Advocate.
For Respondent/State – Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/09/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 4/07/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.6/2016 registered in Police Station Makadi, District Kondagaon (C.G.) for offence punishable under sections 363, 366, 376 (2) (d) of Indian Penal Code & Section 6 of POCSO Act-2012 & 3 (2) (v) of Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act-1989.
3. As per the prosecution case, on 26/01/2016 the applicant abducted the prosecutrix who was a minor girl from the lawful guardianship of her parents and thereafter he committed forcible sexual intercourse with her and thereby he committed the aforesaid offence.
4. Learned counsel for the applicant submits that prosecutrix and her mother have been examined and they have not supported the case of the prosecution, therefore applicant has been falsely implicated in the case and he may be released on bail.
5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the prosecutrix. It appears that she has not supported the case of the prosecution along with her mother. Considering these facts, without further observation, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE