

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5599 of 2016

1. Kaushal Verma, S/o. Tirith Verma, aged about 19 years, R/o. Village-Jarod, Police Station Bhatapara (Gramin), District Baloda Bazar – Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police of Police Station – Bhatapara (Gramin), District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. Anil Gulathi, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

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.65/2016, registered at Police Station – Bhatapara (Gramin), District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 18 of Protection of Children from Sexual Offences Act. The first bail application was dismissed as withdrawn vide order dated 14.07.2016 in M.Cr.C. No.3656/2016 with liberty to revive the same after examination of the prosecutrix.
2. Case of the prosecution, in brief, is that on 19.03.2016, the applicant enticed away the minor girl on the pretext of marriage and thereafter committed sexual intercourse with her. Subsequently,

when the girl was recovered it was revealed that the applicant has committed such offence. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that prosecutrix in this case has been examined before the Court below and she has not stated about any sexual assault or rape and she has not supported the case of the prosecution, therefore, no case is made out. 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 do not 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. Considering the statement of the prosecution, wherein she has not supported the case of the prosecution, 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 each 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