

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6108 of 2016

Dinesh Mahanand, S/o. Shibo Mahanand, Aged About 21 Years, R/o. Kaling Nagar, Near F.C.I. Godown, Police Station Gudhiyari, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Gudhiyari, Raipur, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.10.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.118/2016 registered at Police Station- Gudhiyari, Raipur, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and under Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 29.04.2016 the applicant enticed away the minor girl on the pretext of marriage from the lawful custody of her parents and thereafter committed forceful sexual intercourse. Subsequently, when the girl was recovered, it revealed that the offence came to the light.
3. Learned counsel for the applicant would submit that the victim girl has been examined as PW-2 and her mother has also been examined as PW-1 and they have not supported the case of the

prosecution, which would show that the applicant has been falsely implicated in this case, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix and her mother has been examined and they have not supported the case of the prosecution.
5. Perused the case diary and documents. Considering the statement which is attached along-with this bail application, it appears that the prosecutrix and her mother have not supported the case of the prosecution, therefore, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge