

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6163 of 2016

Prem Singh Dhawade S/o Mansay Dhawade Aged About 22 Years
R/o Village Petemmeta Police Station Sitagaon, District
Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh The Station House Officer, Police Station
Sitagaon, District Rajnandgaon Chhattisgarh

---- Respondent

For applicant - Shri Aditya Bharadwaj, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/11/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 4/07/2016 vide M.Cr.C. No. 2722 of 2016 with liberty to file a fresh bail application.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.1/2016 registered in Police Station Sitagaon, District Rajnandgaon for offence punishable under sections 363, 366 & 376 (2) (a) of IPC and section 6 of POCSO Act, 2012.
3. As per the prosecution case, one Maniyaram made a report on 1/01/2016 that the applicant has enticed away the minor girl on the pretext of marriage and thereafter committed sexual intercourse. Those facts came to fore when the girl was recovered.
4. Learned counsel for the applicant submits that the girl has been examined before the court and she has not supported the case of the prosecution and she of her own went alongwith the applicant, therefore no offence is made out against the applicant and therefore the applicant may be released on bail.
5. Learned State counsel is not able to dispute the fact that the

prosecutrix/victim has turned hostile.

6. Perused the statement of the prosecutrix. She has not supported the case of the prosecution. Considering the facts of this case, without further observation on the merits, 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