

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6154 of 2016

- Sanam Vishwakarma S/o Bhaiya Lala Vishwakarma Aged About 35 Years R/o Dholiya Raidy Shiva Chowk Police Station Chirouli Mandir, District Rewa, Madhya Pradesh. Present Address Bandhwa Para Talab Sulabh Shouchlay Police Station Torwa, Revenue & Civil District Bilaspur, Chhattisgarh. **--- Petitioner**

Versus

- State of Chhattisgarh Through The Police Station Torwa, District Bilapur, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Pravin Tulsyan, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 39 of 2016 registered at P.S. Torwa, Distt. Bilaspur (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Sections 3, 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the prosecutrix on 02.02.2016 that on 01.02.2016 the applicant forcibly took her away by extending threat, thereafter took her into a field where he committed forcible sexual intercourse, thereby the offence is committed. On the next day, the applicant was arrested.
3. Learned counsel for the applicant would submit that the prosecutrix has been examined before the Court and she has not supported the case of prosecution. It is further submitted

that the mother of prosecutrix has also been examined and she has not supported the case of prosecution.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix and her mother which show that prima facie, they have not supported the case of prosecution and denied the entire incident.
6. Taking into consideration such statements of prosecutrix and her mother wherein they have not supported the case of prosecution, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**