

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6233 of 2016

Dinesh Kumar S/o Dilsay Aged About 22 Years Caste- Turiya, R/o Chittajhore Pondi, Thana Pondi, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Pondi, District: Koriya, Chhattisgarh.

---- Respondent

For applicant - Shri J.K. Shastri, Advocate.
For Respondent/State – Shri Neeraj Shama, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/10/2016

1. This is the second bail application under Section 439 of Cr.P.C. The earlier bail application was rejected on 4/07/2016 vide M.Cr.C. No.2367 of 2016 .
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.184/2015 registered in Police Station Pondi, District Koriya (C.G.) for offence punishable under sections 363, 366, 376(2)(n) of IPC and Sections 4, 5 (२), 6, 9 (२) and 10 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, on 14/12/2015 a report was made by mother of the prosecutrix that her minor daughter went missing. Thereafter the prosecutrix was recovered from the possession of the present applicant by the police and on investigation, it was found that the prosecutrix is a minor girl who was subjected to sexual intercourse, thereby the offence is committed.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, prosecutrix and her mother has been

examined before the court and they have not supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that prosecutrix and her mother has been examined, they have not supported the case of the prosecution.

6. Considering the facts and circumstances of the case and also for the fact that prosecutrix and her mother has been examined before the court and they have not supported the case of the prosecution, 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