

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6332 of 2016

Ajit Mandal S/o Late Narayan Mandal Aged About 25 Years R/o
Durgapur Colony, Dharamjaigarh, Police Station & Tahsil -
Dharamjaigarh, District Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer - Police
Station - Kapu, District Raigarh Chhattisgarh

---- Respondent

For applicant - Shri Vivek Bhakta, Advocate.
For Respondent/State – Shri Arvind Shukla,PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/10/2016

1. This is second bail application under Section 439 of Cr.P.C. The first bail application was dismissed as withdrawn vide M.Cr.C. No.4444 of 2016 on 16/08/2016 with liberty to repeat the same after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.50/2016 registered in Police Station Kapu Distt. Raigarh (C.G.) for offence punishable under sections 376, 506 of the Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, a report was made by the prosecutrix on 7/05/2016 that the applicant on 14/02/2016 has enticed away the prosecutrix, sexually exploited her on the pretext of marriage and thereafter refused to marry.
4. Learned counsel for the applicant submits that charges have been framed in this case and presently charges under Sections 363, 366, 376 (2) (a) of IPC and Section 6 of POCSO Act, 2012 has been framed against

the applicant. He submits that the prosecutrix has been examined in this case, she has 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 has not supported the case of the prosecution.

6. Perused the statement of the prosecutrix wherein it appears she has not supported the case of the prosecution. Taking into such fact, this court is inclined to release the applicant on bail. This bail application shall govern the release of the applicant from the jail for charges framed under Sections 363, 366, 376 (2) (ॢ) of IPC and Section 6 of POCSO Act, 2012 as charges have been framed under these sections.

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