

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6670 of 2016

1. Rohit Kumar Yadav, S/o. Shri Dileshwar Yadav, aged about 22 years, R/o. Village-Kantajharia, P.S. and Tahsil – Gharghoda, District – Raigarh (C.G.).

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O. of the Police Station - Lailunga, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Abhisek Saraf, Advocate
For Respondent/State	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.87/2016, registered at Police Station – Lailunga, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the I.P.C. & Section 4, 6 of the POCSO Act. The first bail application was dismissed as withdrawn vide order dated 04.07.2016 with liberty to file afresh after prosecutrix is examined.
2. Case of the prosecution, in brief, is that on 04.04.2016, the prosecutrix has lodged a report that the applicant enticed away the prosecutrix on pretext of marriage and thereafter committed sexual intercourse and took her away from the lawful guardianship of her parents. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is second bail application and the earlier bail application was dismissed as

withdrawn with liberty to file a fresh after examination of the prosecutrix and now the prosecutrix has been examined and she has not supported the case of the prosecution, therefore, no offence is made out against the applicant, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that prosecutrix in this case has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim. Prima-facie shows that she has not supported the case of the prosecution, therefore, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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/Remand Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge