

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6955 of 2016

Vikash @ Umesh Bharadwaj S/o Ash Kumar Aged About 22 Years
R/o Bhandarpuri, Police Station Aarang, District Raipur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Aarang, District
Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri P.K. Patel, Advocate.
For Respondent/State – Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/11/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 12/07/2016 vide M.Cr.C. No.3544 of 2016 with liberty to repeat the prayer after examination of the prosecutrix.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.335/2015 registered in Police Station Aarang District Raipur (C.G.) for offence punishable under sections 363, 366, 376(2)(a) of Indian Penal Code and under Section 506 Part 2, and under Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, a missing report was made by father of the prosecutrix on 21/10/2015 that her daughter is missing. Subsequently, the girl was recovered on 30/01/2016 from the rented house which was in possession of the applicant and on enquiry it revealed that the applicant has enticed away the minor girl on the pretext of marriage and thereafter has committed sexual intercourse against her will.

4. Learned counsel for the applicant submits that the prosecutrix has been examined and 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 been examined and she has not supported the case of the prosecution.

6. Taking into such fact that the prosecutrix has not supported the case of the prosecution, 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