

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7036 of 2016

Ankur Bhadouriya, S/o. Shri Satyaban (Satyawan) Bhadouriya, Aged About 26 Years, Caste Kshatriya, R/o. Village Singarbhat, Tahsil & Police Station Kanker, District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kanker, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P.Sahu, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.11.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.182/2016 registered at Police Station- Kanker, District North Bastar Kanker (C.G.) for the offence punishable under Section 376 & 450 of Indian Penal Code.
2. As per the prosecution case, on 07.06.2016 the applicant came to the house of the prosecutrix, thereafter, knocked the door and call for the husband and when the door was opened, the husband was not there, the applicant forcefully entered into the house and committed forceful sexual intercourse with the prosecutrix.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed on 05.09.2016 with liberty to repeat the same after examination of the prosecutrix. He submits that now the prosecutrix has been

examined and she has not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix has been examined and she has not supported the case of the prosecution.
5. Perused the statement of the prosecutrix. Prima facie, it shows that she has not supported the case of the prosecution. Taking into such fact, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge