

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7120 of 2016

- Sanjeet Azad S/o Asali Ram, Aged About 20 Years R/o Devarghata,
P. S. Hasaud, Tahsil Jaijaipur, Civil & Revenue District Janjgir
Champa Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh acting through District Magistrate/ Station
House Officer, P. S. Hasaud, District Janjgir Champa Chhattisgarh ----
Respondent

For the applicant	:	Mr. Devesh Kela, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.11.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 142/2015 registered at P.S. Hasaud, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, one Nandlal, father of victim prosecutrix made a report on 28.09.2015 that the present applicant has enticed away the minor girl from the lawful custody. Thereafter the girl was recovered on the next day, and on investigation it was revealed that the victim was subjected to rape on the pretext of marriage, therefore, the offence is committed.
3. Learned counsel for the applicant would submit that earlier the bail petition was dismissed on 09.12.2015 with liberty to

repeat the same after examination of the prosecutrix. He submits that the prosecutrix has been examined on 03.10.2016 and she has not supported the version of prosecution. He further submits that the charge sheet has been filed and the applicant is in jail since 29.09.2015 therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that the prosecutrix has not supported the case of prosecution.
5. Perused the statement of prosecutrix. It appears that prima facie she has not supported the case of prosecution. Considering such statement and age of the prosecutrix, I am inclined to release the applicant on bail at this stage.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE