

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7119 of 2016

- Ashok Sao S/o Lalkeshwar Sao, Aged About 25 Years R/o Sanjay Nagar Supela, Police Station Supela Bhilai Tahsil & District Durg Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Aarakshi Kendra Supela District Durg Chhattisgarh

---- **Respondent**

For Applicant : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-11-2016

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 on 27-5-2016 in connection with Crime No. 496 of 2016, registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 363, 366 376 and 506 of the IPC and Section 5 of the Protection of Children from Sexual Offences Act, 2012. Earlier first bail application was dismissed on merits on 17-8-2016.
2. Case of the prosecution, in brief, is that a report was made by the mother of the prosecutrix that the applicant enticed her minor girl from the lawful custody of her parents and thereafter committed rape on her. During investigation, statement of the girl was recorded who is said to be minor wherein she has stated the

applicant has put vermilion on her forehead and thereafter committed sexual intercourse.

3. Learned counsel appearing for the applicant would submit that the victim girl has been examined and she has not supported the prosecution case, therefore, no case is made out against the present applicant, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the victim girl has been examined and she has not supported the prosecution case.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of the victim girl from which it appears that she has not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

