

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7146 of 2016

Manoj Sarathi, S/o. Bhukhlal Sarathi, Aged About 21 Years, R/o. Ghiyaarmuda, Police Station & Tahsil- Lailunga, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Gharghoda, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Sharma, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.11.2016

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.85/2016 registered at Police Station- Gharghoda, District Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4, 6 of POCSO Act.
2. As per the prosecution case, on 24.03.2016 a missing report was made by the father of the victim that the girl is missing and subsequently the girl was recovered from the possession of the present applicant. Thereafter, on enquiry, it was revealed that the applicant enticed away the minor girl from the lawful guardianship of her parents on the pretext of marriage and thereafter committed forceful sexual intercourse.
3. Learned counsel for the applicant would submit that the earlier bail application was dismissed on 21.07.2016 with liberty to revive the same after examination of the prosecutrix and 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.
5. Perused the case diary and statement of the victim. Though Section 376 of IPC has been diluted, however, rest of the evidence has been appreciated about the application of other sections and the entire evidence is collected. Taking into fact that the allegation of Section 376 of IPC has been diluted, without any observation on merit, taking into the custody of the applicant as he is in jail since 25.03.2016, 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