

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7249 of 2016

- Devkumar Dansena S/o Panchram Dansena Aged About 22 Years
Occupation - Student, R/o - Village - Dokramuda, Police Station
Punjipathra, Civil & Revenue District - Raigarh Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : S. H. O. of The Police Station -
Gharghoda, District - Raigarh Chhattisgarh

---- **Respondent**

For Applicant : Mr. Abishek Saraf, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

1. This is third 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 27-7-2015 in connection with Crime No. 58 of 2015, registered at Police Station Gharghoda, District Raigarh (CG) for the offence punishable under Section 376, 506(B) of the IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012. First bail application was dismissed as withdrawn on 16-11-2015 and second bail application was dismissed for want of prosecution.
2. Case of the prosecution, in brief, is that on 4-3-2015 a report was made by the prosecutrix that while she was returning from market, at that time the applicant caught hold of her hands, dragged her to place and thereafter committed rape on her. It is alleged that rape was committed on the prosecutrix in between 18-1-2014 to 1-3-2015 and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, FIR was delayed by one year, prosecutrix has been examined in this case and she has not supported the prosecution case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 27-7-2016 and no further investigation is required, 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 prosecutrix 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 prosecutrix which would show 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