

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7226 of 2016**

Jony Naik S/o Shri Gangaram Naik Aged About 25 Years R/o Village Penwara, Police Station - Sariya, Tahsil - Baramkela, District Raigarh Chhattisgarh (Wrongly Mentioned In The Impugned Order As R/o Rajiv Gandhi Nagar, Mithumuda, Raigarh Chhattisgarh Passed By Learned Court Below)

---- Applicant

Versus

State Of Chhattisgarh Through - The Police Station - Kotwali Raigarh, District - Raigarh Chhattisgarh

---- Respondent

For applicant - Shri Roop Nayak, Advocate.
For Respondent/State – Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****18/11/2016**

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 22/12/2015 vide M.Cr.C. No.7223/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.697/2015 registered in Police Station-Kotwali, Raigarh, District-Raigarh (C.G.) for offence punishable under sections 376(2)(f)(g), 342, 506 of the IPC & 4, 5 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the prosecution case, on 10/09/2015, the applicant committed forceful sexual intercourse with the victim who was a minor girl of 11 years.
4. Learned counsel for the applicant submits that the prosecutrix has been examined as also mother and father of the prosecutrix have been examined, they have not supported the case of the prosecution. He submits that similarly placed co-accused have been enlarged on bail by

this court on 7/11/2016 vide M.Cr.C. No.6891/2016, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that prosecutrix and her parents have been examined and they have not supported the case of the prosecution and also similarly placed co-accused have been enlarged on bail by this court on 7/11/2016 vide M.Cr.C. No.6891/2016.

6. Considering the statements which are on record which shows that prosecutrix and her parents have not supported the case of the prosecution and also for the fact that similarly placed co-accused have been enlarged on bail by this court on 7/11/2016 vide M.Cr.C. No.6891/2016, without further observation on the merits, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE