

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7325 of 2016

1. Mohit Yadav, S/o. Anjani Yadav, aged about 26 years, R/o. Village-Faratola (wrongly mentioned in cause title) Harratola, Tahsil – Pendraroad, Police Station – Gaurella, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Station House Office, Police Station – Gaurella, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Ashok Soni, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.167/2016, registered at Police Station – Gaurella, District – Bilaspur (C.G.) for the offence punishable under Section 454, 376 of Indian Penal Code, 3 (1) (12) and 3 (2) (5) of S.T./S.C. Act and Sections 4 of Prevention of Children from Sexual Offences Act, 2012. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix vide order dated 28.07.2016 in M.Cr.C. No.4182/2016.
2. Case of the prosecution, in brief, is that a report was made by the victim that the applicant on 25.05.2016 entered into the house of the prosecutrix and caught hold of her, thereafter, forcefully committed rape. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the victim has been examined before the Court below and she has not supported the case of the prosecution and the applicant has been falsely implicated in this case, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that victim has been examined and she has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim. Perusal of the statement of the victim shows that she has not supported the case of the prosecution. Taking in to such statement without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge