

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7472 of 2016

1. Khemlal Khunte, S/o. Shri Saheblal Khunte, aged about 19 years, Occupation – Student, R/o. Village-Hardi, P.S. - Bilaigarh, Civil and Revenue District – Baloda Bazar (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kotra Road, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Ishwar Jaiswal, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/12/2016

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.155/2016, registered at Police Station – Kotra Road, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376, 506 of Indian Penal Code and 4, 6 of the POCSO Act. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix vide order dated 03.10.2016 in M.Cr.C. No.5331/2016.
2. Case of the prosecution, in brief, is that on 01.07.2016, a report was made by the prosecutrix that the applicant enticed away the victim/minor girl on the pretext of marriage and thereafter committed forceful sexual intercourse and the girl was recovered on the same day. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that this is second bail application. The first bail application was dismissed as withdrawn with a liberty to repeat the same after examination of the prosecutrix and now the prosecutrix has been examined and she has not supported the case of the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 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 do not dispute the fact that the prosecutrix has been examined before the Court below 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 prosecutrix. Taking into the fact that prosecutrix has been examined before the Court below and she has not supported the case of the prosecution, 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