

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7644 of 2016

Gevendra Devar @ Gopal S/o Manharan Lal Aged About 19 Years
R/o Village Kurda, Police Station Baradwar District Janjgir-
Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Sakti, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For applicant - Shri Ishwar Jaiswal, Advocate.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/11/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 3/10/2016 vide M.Cr.C. No.5497/2016 with liberty to repeat the same after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.125/2016 registered in Police Station Sakti, Dist. Janjgir-Champa, (C.G.) for offence punishable under sections 363, 366, 376 of IPC & Section 6 of Protection of Children from Sexual Offences Act.
3. As per the prosecution case, a missing report was made by mother of the prosecutrix on 30/04/2016 that she went to the school and did not return. When the prosecutrix was recovered it was revealed that the applicant has enticed away the minor girl on the pretext of marriage and committed sexual intercourse. Thereby, offence has been committed.
4. Learned counsel for the applicant submits that now the prosecutrix and her mother have been examined and they have not supported the

case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that prosecutrix and her mother have been examined and they have not supported the case of the prosecution.

6. Taking into such fact that the prosecutrix and her mother have not supported the case of the prosecution, 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