

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7689 of 2016

Fulchand Sonwani (Also Mentioned As Fulchand Soni In The Charge Sheet)S/o Late Bodhram Satnami, Aged About 60 Years R/o Village Karda, Out Post - Lavan, Police Station - Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Kasdol, District - Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For applicant - Shri Malay Shrivastava, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/12/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 13/07/2016 vide M.Cr.C. No.3593/2016 with liberty to repeat the same after examination of the prosecutrix.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.96/2016 registered in Police Station Kasdol, District-Baloda Bazar-Bhatapara (C.G.) for offence punishable under section 376, 323 of Indian Penal Code.
3. As per the prosecution case, on 13/03/2016 a report was made by the prosecutrix that when she went to answer call of nature, at that time the applicant caught hold of her and forcefully committed rape. Thereby, offence has been committed.
4. Learned counsel for the applicant submits that now the prosecutrix has been examined and she has 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 the prosecutrix has not supported the case of the prosecution.
6. Perused the statement of the prosecutrix. She is stated to be 43 years of age. Considering the fact that the prosecutrix has not supported the case of the prosecution, 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