

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8042 of 2016

Manjit Sidar, S/o. Naihar Say Sidar, Aged About 24 Years, R/o. Village Bahnatagar, Police Station - Pathalgaon, Tah – Pathalgaon, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station – Kapu, District - Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/12/2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.45/2016 registered at Police Station- Kapu, District Raigarh (C.G.) for the offence punishable under Section 376 of I.P.C. and under Section 4 of POCSO Act. The first bail application was dismissed as withdrawn on 16.09.2016 in MCRC No.5519 of 2016 with liberty to repeat the prayer after the examination of the prosecutrix.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix on 27.04.2016 that the present applicant enticed away the prosecutrix and on the pretext of marriage has committed sexual intercourse with her and subsequently refused to marry.
3. Learned counsel for the applicant would submit that this is the second bail application, the earlier bail application was dismissed on 16.09.2016 with liberty to repeat after examination of the

prosecutrix. He further submits that the prosecutrix has been examined and she has not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she is unable to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. Perused the case diary and the copy of the statement which is attached, which shows that the prosecutrix has been examined and she has not supported the case of the prosecution. Taking into fact that the prosecutrix has not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge