

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1971 of 2017

- Harinarayan Sahu S/o Shri Ramsharan Sahu, Aged About 22 Years R/o Bhatli Kapa, Tahna Jharahagaon, Presently Residing At Pajaniya, Thana Lormi, District Mungeli, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajeev Kumar Dubey, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-04-2017

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 on 12-5-2016 in connection with Crime No. 128 of 2016, registered at Police Station Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 366 and 376 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 10-5-2016 a report was made by the victim girl that present applicant on the pretext of marriage committed sexual intercourse with her repeatedly knowing the fact very well that she was a minor and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that this is second bail petition, earlier first bail petition was dismissed as withdrawn on 17-8-2016 with liberty to repeat the same after examination of the prosecutrix. Now the prosecutrix has been examined and she has not supported the case of prosecution, therefore, no offence is made out. It

is further submit that the prosecutrix had performed marriage with the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 12-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix which shows that she had performed marriage with the applicant and she has not supported the case of prosecution.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without further observation on the merits of the case, I am inclined to inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju