

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2077 of 2017

1. Rahul Vishvakarma S/o Basant Vishvakarma, Aged About 20 Years
R/o Bandhavpara Police Station & Tehsil Khadgavaan, District Korea,
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Police Station Khadgavaan
District- Korea, Chhattisgarh

---- Respondent

For Petitioner
For Respondent/State

Ms. Anju Ahuja, Advocate
Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/05/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.203/2016 registered in Police Station Khadgavaan, District Korea (CG) for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code and under Sections 5 & 6 of POCSO Act.
3. The applicant and co-accused Anwar allegedly abducted the prosecutrix, aged about 16 years, and thereafter the present applicant committed forcible sexual intercourse with the prosecutrix.

4. Learned counsel for the applicant would place before this Court certified copy of the statement of the prosecutrix recorded in course of trial to argue that the prosecutrix has not supported the case of prosecution, therefore, the applicant is entitled to be released on bail.
5. Having seen the statement of the prosecutrix, it appears she has turned hostile and has not supported the case of the prosecution at any stage of her examination.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and considering the fact that the applicant is in jail since 23-12-2016, this Court is inclined to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Vacation Judge
Prashant Kumar Mishra

Gowri