

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4740 of 2017**

- Dayasagar Kujur S/o Tarsiyus Kujur, Aged About 32 Years R/o Darikala, Teletola, Police Station Chando, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Chando, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sunil Tripathi, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/11/2017**

1. This is the First 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 20.06.2016 in connection with Crime No. 20 of 2016 registered at Police Station Chando, District- Balrampur-Ramanujganj (CG) for the offence punishable under Section 376 (2) (ब) of the I.P.C. and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 15.06.2016, the applicant came in the house of the prosecutrix, asked her husband to go for fishing and when the husband of the prosecutrix went out of the house for fishing, the applicant entered in the house of the prosecutrix and committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that the prosecutrix in this case

has been examined and she has not supported the case of the prosecutrix, therefore, no offence is made out against the applicant and he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix has turned hostile in this case.
5. Perused the statements of the prosecutrix (PW-2) and other witnesses. Considering the statements, without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum 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/-

Goutam Bhaduri

Judge

Ashu