

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5592 of 2017

Hridaynath Singh, S/o. Gaurishankar Singh, Aged About 23 Years, R/o. Village Kanjiya, Police Station Kusmi, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Kusmi, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.11.2017

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 in connection with Crime No.22/2016 registered at Police Station- Kusmi, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366क, 376(2)(ढ) of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 14.05.2016 the applicant enticed away the victim who was minor from the lawful custody of her parents on the pretext of marriage and thereafter committed forceful sexual intercourse against her will. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the victim has been examined and she has not supported the case of the

prosecution, therefore, no case is made out against the present applicant; consequently, 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 victim has not supported the case of the prosecution.
5. Perused the case diary and statement of the victim PW-8. Considering the statement of the victim, 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