

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5711 of 2017**

1. Dinesh Vishwakarma S/o Ramgahan Vishwarkarma Aged About 19 Years R/o Aanpara, P. S. Ramchandrapur, District Balrampur, Chhattisgarh.
2. Mukesh Yadav, S/o Mahendra Yadav (wrongly stated as Mahendrar), Aged About 19 Years R/o Bimlapur, P. S. Trikunda, District Balrampur Chhattisgarh

---- Applicants**Versus**

- The State of Chhattisgarh Through P. S. Ramchandrapur, Balrampur Ramanujgunj, Chhattisgarh

---- Respondent

For Applicants	:	Shri A.K. Prasad, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/11/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 05.11.2016 in connection with Crime No. 50/2016 registered at Police Station Ramchandrapur, District-Balrampur (CG) for the offence punishable under Sections 363, 366 (A) and 376 (घ) of the I.P.C. and Sections 5 (ढ-ड) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the father of the prosecutrix that the present applicants abducted the prosecutrix from the lawful custody of parents and thereafter committed forceful sexual

intercourse.

3. Learned counsel for the applicants submits that the father of the prosecutrix has been examined as PW-1, it is alleged that though he has made the report but has completely disowned such fact. Likewise, the mother of the prosecutrix and the prosecutrix (PW-3) have also not supported the case of the prosecution, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements of the witnesses. It appears that they have not supported the case of the prosecution, therefore, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu