

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6244 of 2017**

- Mahendra Khairwar S/o Bhagwati Khairwar, Aged About 22 Years R/o Khairwarpara, Nawagaon, Ratanpur, Police Station Ratanpur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/11/2017**

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 27.01.2017 in connection with Crime No. 20/2017 registered at Police Station Ratanpur, District-Bilaspur (CG) for the offence punishable under Sections 363, 366, 376, 342 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 26.01.2017, the prosecutrix while was returning to her house from the house of one Girja, at that time, the applicant caught hold of her and committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that the prosecutrix (PW-1) has been examined in this case and she has not supported the case of the prosecution and the entire incident has been denied, therefore, the applicant

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 not supported the case of the prosecution.
5. Considering the fact that the prosecutrix has not supported the case of the prosecution, without any observation on merit, 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