

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6634 of 2017

Gopal Sahu @ Rinku S/o Shrawan Sahu Aged About 21 Years R/o
Village Arjuni, P. S. Bhatapara (Gramin), District, District Baloda
Bazar- Bhatapara Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh Through S. H. O. - P. S. Bhatapara (Gramin),
District Baloda Bazar - Bhatapara Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Hemant Gupta, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.12.2017

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 57 of 2016 registered at Police Station Bhatapara (Gramin) Distt. Baloda Bazar-Bhatapara (C.G) for the offences punishable u/ss 363, 366-A, 376 of IPC and sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 17.03.2016 a missing report was made by the father of prosecutrix and subsequently when she was found, it was revealed that the present applicant on the pretext of marriage, committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that this is third bail application; the first bail was dismissed on 23.03.2017 and the second one was rejected on 05.07.2017. It is submitted now the prosecutrix has been examined and she has not supported the case of prosecution, therefore, he may

be enlarged on bail.

4. On the other hand, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the prosecutrix has not supported the case of prosecution.
5. Perused the statement of the prosecutrix wherein she has stated that she is aged about 20 years and has denied the case of prosecution. Considering such statement and the age of the prosecutrix, without any further observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, this 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 concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**