

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7082 of 2017**

- S. Raju Rao S/o Shri Dhanraj Aged About 19 Years R/o Zone - 2 Charoda, Police Station And Tahsil Patan, District Durg Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bhilai - 3, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rajesh Kumar Tiwari, Advocate
For Respondent-State	:	Shri Ashish Shukla, GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/12/2017**

1. This is the Second 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 24.05.2017 in connection with Crime No.84/17 registered at Police Station Bhilai-3, District Durg (CG) for the offence punishable under Sections 366, 376 of the I.P.C. & Sections 5-6 of Protection of Children from Sexual Offences Act, 2012.
2. The First Bail Application bearing M.Cr.C. No.4630/2017 was dismissed as withdrawn on 28.08.2017.
3. As per the prosecution case, the father of the victim Mehmud Khan lodged a report on 09.03.2017 that his minor daughter is missing. Thereafter, his daughter was recovered on 23.05.2017 from the possession of the applicant and on investigation it was revealed that she was taken away

forcibly from the lawful guardianship of the parents and thereafter the applicant committed forceful sexual intercourse.

4. Learned counsel for the applicant submits that the victim has been examined in this case and she has not supported the case of the prosecution, therefore, no case is made out against the applicant and he may be released on bail.
5. 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.
6. Perused the statement of the prosecutrix (PW-1). It appears that the prosecutrix has not supported the case of the prosecution. Considering the same, without any observation on merits, I am inclined to release the applicant on bail.
7. 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