

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8344 of 2016

Santosh Ratre S/o Pukram Ratre Aged About 27 Years R/o Village Kot, Police Station, Sarsiva, District Balodabazar-Bhatapara. Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Office, Police Station Sarsiva, District ,Balodabazar-Bhatapara (C.G.)

---- Respondent

For applicant - Shri Ragvendra Pradhan, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/01/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 11/07/2016 vide M.Cr.C. No.2705 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.33/2016 registered in Police Station Sarsiva, District Balodabazar-Bhatapara (C.G.) for offence punishable under sections 376, 493, 365, 307 & 323/34 of Indian Penal Code.
3. As per the prosecution case, a report was made by the prosecutrix that the applicant forcefully committed rape on her and thereafter forceful abortion was caused. Thereby, offence has been committed.
4. Learned counsel for the applicant submits that the prosecutrix has been examined before the court below and she has not supported the case of the prosecution, therefore the applicant may be released on

bail.

5. Learned State counsel is not able to dispute the fact that prosecutrix has been examined before the court below and she has not supported the case of the prosecution.

6. Considering the fact that prosecutrix has not supported the case of the prosecution, without further observation on the merit, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE