

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8565 of 2016

Suraj Bagh, S/o. Santosh Kumar Bagh, aged about 20 years, R/o. Sanjay Nagar, Ward No.5, Behind Venkateshwar Talkies, P.S. - Supela, Supela, Bhilai, Tahsil and District – Durg (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : District Magistrate, Durg, Tahsil and District – Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Rakesh Pandey, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

09/01/2017

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 in connection with Crime No.803/2016, registered at Police Station- Supela, District – Durg (C.G.) for the offence punishable under Section 376 (2) (d)/34 of Indian Penal Code.
2. Case of the prosecution in brief is that a report was made by the victim on 01.09.2016 that on 16.08.2016 while she was cleaning the toilets at a Sulabh Sauchalay, the applicant along with other accused all of a sudden came and caught hold of her, took her in a room and committed gang rape with her.
3. Learned counsel for the applicant submits that the prosecutrix in this case has been examined on 07.12.2016 and she has not supported the case of the prosecution. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that prosecutrix in this case has been

examined and has not supported the case of the prosecution.

5. Perused the statement of the prosecutrix, wherein it appears that she has not supported the case of the prosecution. Considering the facts and circumstance of the case as the prosecutrix herself has not supported the case of the prosecution, without any further observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge