

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8491 of 2016

- Ashok Khairwar S/o Ramprasad Khairwar, Aged About 23 Years R/o Gargodi, Bichparp, Police Station Trikunda, Balrampur, District Balrampur, Chhattisgarh. Civil District Surguja At Ambikapur, Revenue District- Balrampur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Trikunda, District Balrampur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr.A.K. Prasad, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-01-2017

1. This is second 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 24-9-2016 in connection with Crime No. 52 of 2015, registered at Police Station Trikunda, District Balrampur (CG) for the offence punishable under Section 376 (2) (बला) (द) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012. Earlier was bail application was dismissed on merits on 25-7-2016.
2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage has committed sexual intercourse with the victim girl who is aged about 14 years and that continued and lastly on 21-8-2015, the applicant refused to marry the victim girl.

3. Learned counsel appearing for the applicant would submit that prosecutrix has been examined in this case she has not supported the prosecution case. He would further submit that the applicant has been falsely implicated in the case, as many as 21 witnesses have been enlisted and only seven witnesses have been examined and they have also not supported the prosecution case, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail., however, he does not dispute the fact that prosecutrix has been examined and she has not supported the prosecution case.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of the prosecutrix wherein she has not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without further observation on the merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

