

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 64 of 2017

- Durjan Jagat S/o Alinder Jagat Aged About 19 Years R/o Sanjay Nagar, Ward No. 5, Behind Venkateshwar Talkies Supela, Police Station Supela, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through District Magistrate Durg, Tahsil & District Durg, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Abhishek Pandey, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2017

1. This is second 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. 803/2016 registered at Supela, Bhilai, District Durg(C.G) for the offence punishable under Section 376(2)(D)/34 of IPC.
2. As per the prosecution case, 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 alongwith 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Learned counsel for the applicant would submit that this is second bail application and the first bail was dismissed as withdrawn on 06.12.2016 with liberty to repeat the same after examination of the prosecutrix. He submits that the prosecutrix has been examined and she has not supported

the case of prosecution and on similar circumstances, one of the other accused namely Suraj Bagh has been enlarged on bail by this Court in M.Cr.C.No.8565 of 2016 on 09.01.2017

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the prosecutrix has not supported the case of prosecution and in such circumstance the similarly placed co-accused Suraj Bagh has been enlarged on bail by this Court.
5. Perused the statement of prosecutrix. Considering the fact that the prosecutrix herself has not supported the case of prosecution and further considering the fact that similarly placed co-accused has been enlarged on bail by this Court, without any further observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE