

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8592 of 2016

- Shekhar Naik S/o Shri Gariba Naik, Aged About 20 Years R/o Goutam Nagar, Supela, Bhilai, Police Station Supela, District Durg Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Supela, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shrawan Agrawal, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.01.2017

1. This is first 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 Police Station Supela, Distt. Durg (C.G) for the offence punishable under Section 376(2)(d)/34 of IPC and section 67 of the I.T. Act.
2. As per the prosecution case, on 01.09.2016 a report was made by the victim 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 would submit that the prosecutrix has been examined in this case and she has not supported the case of prosecution, therefore, no offence is made out against the present applicant. He further submits that the applicant is in jail since 01.09.2016, therefore, he

may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that after examination of the the prosecutrix, she has not supported the case of prosecution
5. Perused the statement of the prosecutrix wherein she has denied the version of prosecution. Considering such statement of prosecutrix, 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**