

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 143 of 2017

Jayveer Taniya, S/o. Jagbay Taniya, aged about 28 years, R/o. Village-Gopalpur- Police Station – Pali, District – Korba (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Pali, District – Korba (C.G.)

---- Respondent

For Applicant	:	Mr. Vinod Kumar Tekam, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

24/01/2017

1. This is the second 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.141/2015, registered at Police Station- Pali, District – Korba (C.G.) for the offence punishable under Section 376, 366, 506-B, 120-B, 323 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix vide order dated 22.09.2016.
2. Case of the prosecution in brief is that on 24.10.2015 while the prosecutrix went to roam around near canal at that time, the applicant came there and asked the other person to bring petrol when two other persons went out, the applicant took away the prosecutrix to a different place and committed sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is second bail application. Earlier bail application was dismissed as withdrawn vide

order dated 22.09.2016 with liberty to repeat the same after examination of the prosecutrix. It is stated that prosecutrix has been examined and she has not supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application, however, he is not able to dispute the fact that prosecutrix in this case has been examined and she has not supported the case of the prosecution.
5. I have heard the learned counsel for the parties.
6. Perused the statement of the prosecutrix. Considering the facts and circumstances of the case and further taking into the statement of the prosecutrix, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge