

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 789 of 2017

Mahadev Mandal, S/o. Gopal Mandal, Aged About 32 Years, R/o. Village P.V. 80 Haridaspur Bande, Tahsil Pakhanjur, Police Station Bande, Revenue & Civil District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Bande, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/02/2017

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.29/2016 registered at Police Station- Bande, District Kanker (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 23.05.2016 that on the pretext of marriage, the applicant sexually exploited her and thereafter when she became pregnant, he refused to own the child; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 17.11.2016 with liberty to repeat the same after examination of the prosecutrix. He submits now the prosecutrix

has been examined and she has not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix has been examined and she has not supported the case of the prosecution.
5. Perused the case diary and the documents. Taking into the statement of the prosecutrix, without any observation on merit, 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 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.

Sd/-
(Goutam Bhaduri)
Judge