

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 964 of 2017

Amit Kujur S/o Lawrance Kujur (Wrongly Mentioned As Borens Kujur) Aged About 22 Years , R/o Dhanji, Saraipara, Police Station Chando, Balrampur, District Balrampur Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chando, District Balrampur Ramanujganj Chhattisgarh

---- Respondent

For applicant - Shri Amarnath Pandey, Advocate.
For Respondent/State – Shri Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

01/03/2017

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 6/09/2016 vide M.Cr.C. No.5210 of 2016 and second bail application was dismissed for want of prosecution on 13/01/2017 vide M.Cr.C. No.342 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 13/2016 registered in Police Station Chando, District Balrampur-Ramanujganj (C.G.) for offence punishable under section 363, 366(A), 376 (ॢ) of Indian Penal Code and Section 5 (ॢ), 6 of Protection of Children from Sexual Offences Act. (As per FIR).
3. Case of the prosecution, in brief, is that a report was made by the prosecutrix minor girl that the applicant who was the neighbour was in love relation and the applicant on the pretext of marriage took the girl and committed sexual intercourse in their house and also in the forest. Subsequently, marriage of the girl was fixed, she went to the house of the applicant, thereafter the applicant took her to some relatives house at Jharkhand wherein also the applicant committed sexual intercourse on the

pretext of marriage.

4. Learned counsel for the applicant submits that now the prosecutrix has been examined, she has not supported the case of the prosecution, therefore no case is made out against the applicant and he may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the prosecutrix. Prima facie considering the statement it appears that directly she has not supported the case of the prosecution, without further observation on the merits, this court is inclined to release the applicant on bail.

7. Accordingly, the third bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE