

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 942 of 2017

1. Vishal Soni, S/o. Kailash Soni, Aged About 22 Years, R/o. Ramsagarpara, Korba, District -Korba, Chhattisgarh.

----Applicant

Versus

1. State of Chhattisgarh, Through -Station House Officer, Police Station-Kotwali, District -Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/02/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.229/2016, registered at Police Station – Kotwali, District – Korba (C.G.) for the offence punishable under Section 376-D, 377, 506-B, 34 of Indian Penal Code and Section 3 (2) (5), 3 (1) (12) of S.C. & S.T. (Prevention of Atrocities) Act. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix vide order dated 19.09.2016.
2. Case of the prosecution, in brief, is that on 19.05.2016 it is alleged that the applicant told the prosecutrix that his mother met with an accident and thereafter took her in the motor cycle. Subsequently went to forest and deserted place and committed forceful rape for which the report was made on 20.05.2016. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application and the first bail application was dismissed as withdrawn vide order dated 19.09.2016 with liberty to repeat the same after examination of the prosecutrix. It is submitted that the prosecutrix has been examined and she has not identified the present applicant and no allegation has been attributed against the applicant. It is further submitted that the applicant is in jail since 11.06.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Considering the statement of the prosecutrix, wherein at para-13 it is stated that the applicant has not committed any offence. Taking into the ambiguity in the statement without any further observation on merit, 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 the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge