

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1044 of 2017

1. Sukhlal Gond, S/o. Sangal Sai Gond, Aged About 18 Years, R/o. Bakna Khurd, Police Station -Daurpur, District-Sarguja, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station- Daurpur, District -Sarguja Chhattisgarh

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2017

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. 21/2016, registered at Police Station – Daurpur, District – Sarguja (C.G.) for the offence punishable under Section 363, 366, 376 (2) (अ) of the Indian Penal Code and Section 4 of the POCSO Act, 2012. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix vide order dated 28.09.2016
2. As per the case of the prosecution, in brief, is that a report was made by the mother of the victim on 04.06.2016 alleging that on 23.05.2016 her daughter was missing. Subsequently, the daughter was found on 04.05.2016 thereafter it was revealed that the applicant enticed away the girl and committed rape on the pretext of marriage. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the mother and victim/prosecutrix both have been examined and they have not

supported the case of the prosecution and the applicant has been falsely implicated in this case, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that victim and her mother have been examined and they have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix and her mother. Considering such statement, 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 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