

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1047 of 2017

1. Swaroop Chand Chopda, S/o. Gautam Chand Chopda (Complete name), Aged About 30 Years, R/o Rajapara Kanker, Police Station -Kanker Revenue & Civil District-North Bastar Kanker, Chhattisgarh. .

----Applicant

Versus

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

---- Respondent

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

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

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.315/2016, registered at Police Station – Kanker, District – Kanker (C.G.) for the offence punishable under Section 376 (IV) and 493 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix vide order dated 23.12.2016.
2. As per the case of the prosecution, in brief, is that on 18.09.2016 a report was made by the prosecutrix that for last seven years, the applicant on the pretext of marriage has committed forceful sexual intercourse and when she became pregnant, the applicant disowned the pregnancy and refused to marry her. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix on 23.12.2016. It is submitted that prosecutrix has been examined and she has not supported the case of the prosecution, 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 prosecutrix been examined and she has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. 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