

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1242 of 2017

1. Komal @ Chandrika Singh Gond, S/o. Gangaram Sidar, Aged About 22 Years, R/o. Khamhariya, Post- Akaltara, Police Station- Baradwar, District -Janjgir- Champa, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station- Gharghoda, Civil & Revenue District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. M.K. Jaiswal, Advocate
Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/03/2017

1. This is the third 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.134/2016, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and under Section 4, 6 of the Protection of Children from Sexual Offences Act. The first bail application was dismissed as withdrawn vide order dated 08.08.2016 with liberty to repeat the same after filing of the charge-sheet and the second bail application was dismissed for want of prosecution vide order dated 07.02.2017.
2. Case of the prosecution, in brief, is that a report was made on 22.06.2016 against the present applicant by the mother of the victim Fulmet Bai that on 24.05.2016, the applicant enticed away her minor girl and took her from the lawful custody, thereafter, committed sexual intercourse on the pretext of marriage. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is third bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet. Thereafter, subsequent bail application was dismissed for want of prosecution. It is further submitted that victim has been examined before the Court and she has not supported the case of the prosecution and therefore, no case is made out against the applicant, 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 has 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 the same, without any further observation on merits of this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on 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