

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1441 of 2017

- Harshvardhan Behra S/o Neru Behra, Aged About 21 Years R/o M.D.-
227, Fase- 04, Kabir Nagar Raipur, Police Station - Kabir Bagar,
District - Raipur, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through, Station House Officer, Police Station-
Telibandha, District- Raipur, Chhattisgarh. **--- Respondent**

For the applicant	:	Mrs. Indira Tripathi Advocate
For the Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.03.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 140 of 2016 registered at Police Station Telibandha, Distt. Raipur (C.G) for the offence punishable under Sections 376, 506 of IPC and section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the prosecutrix on 20.05.2016 that the present applicant enticed her away; thereafter committed sexual intercourse and also extended threat that some nude photographs have been taken which would be made public, therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that this is second bail application and the earlier bail application was dismissed on 11.08.2016 with liberty to repeat the same after examination of the prosecutrix. He submits that now

the prosecutrix has been examined before the Court below and the entire reading of the statement would show that she was a consenting party and as per the documents filed in Women and Child Welfare Department it appears that she made a statement that she has performed marriage with the present applicant, therefore, he may be enlarged on bail. It is also submitted that the charge sheet has been filed and the applicant is in jail since 22.05.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of the prosecutrix. Considering the statement of prosecutrix as also the fact that the charge sheet has been filed and the applicant is in jail since 22.5.2016, without any further observation, I am inclined to release the applicant on bail at this stage.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**