

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1499 of 2017

Goverdhan Das @ Godu S/o Sachhanand Aged About 48 Years R/o Subhas Chowk,
Ward No. 19, Police Station Rajhara, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Balod, Chhattisgarh.

---- Respondent

Shri Sumit Singh, counsel for the applicant/s.
Shri Aditya Sharma, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2017

The applicant has repeated this bail application.

Earlier two bail applications were rejected by this Court on 29/11/2016 in
MCrC No.7487/2016 and thereafter on 23/01/2017 in MCrC No.289/2017.

The applicant has been arrested in connection with Crime No.146/2016
registered at Police Station – Rajhara, District – Balod (CG) for alleged commission
of offences under Section 376, 109 of IPC and Section 4 and 6 of the Protection of
Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the third bail application has
been filed by the applicant on the submission that the prosecutrix and other
important prosecution witnesses have been examined and they have not supported
the case of the prosecution. It is submitted that the prosecutrix has not identified
the applicant in the Court and has emphatically stated that the applicant was not
the person who had committed sexual intercourse with her at the instance of
Shyam Bai. Therefore, the applicant may be granted bail.

3. On the other hand, learned State counsel opposes bail application and
submits that many other prosecution witnesses are yet to be examined, therefore,

the applicant may not be granted bail.

4. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has already been examined during trial and also taking into consideration the submission of learned counsel for the applicant that the prosecutrix has not identified the applicant and has emphatically stated that the applicant is not involved in the alleged commission of offence and further taking into consideration the submission that the name of the applicant was not in the FIR and in the case diary statement initially, I am inclined to grant bail to the applicant.

5. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge