

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2841 of 2017

Anirudh @ Anirudh, S/o. Suraj Dev Kushwah, Aged About 26 Years, R/o. Village Chandanpur, Police Station, Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.05.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.70/2004 registered at Police Station- Ramanujganj, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376, 315, 313 of Indian Penal Code.
2. As per the prosecution case, a report was made by the victim on 24.09.2004 that the present applicant developed physical relation with the victim and thereafter when she became pregnant, he did not marry her and took her to some place and administered medicine, which resulted into abortion. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 28.11.2016, thereafter, the victim has been

examined and she has not identified the present applicant and also has completely denied the incident done by the present applicant; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim PW-1, which shows that she has not identified the present applicant. Considering her statement, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge