

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3463 of 2017

Manoj Gond, S/o. Shri Somar Say Gond, Aged About 19 Years, R/o. Village Patora, Police Station -Lundra, Civil & Revenue District-Ambikapur (Surguja) Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Lundra, Civil & Revenue District -Ambikapur (Surguja), Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

11/05/2017

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.59/2016, registered at Police Station- Lundra, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n), 506B, 342 of I.P.C. and Section 5 (I) read with Section 6 of Protection of Children's from Sexual Offences Act, 2012. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix vide order dated 03.10.2016 in M.Cr.C. No.6027/2016.
2. Case of the prosecution in brief is that on 07.03.2016, the applicant on the allurement of marriage enticed away the prosecutrix and committed sexual intercourse on the pretext of marriage. Thereby the offence has been committed
3. Learned counsel for the applicant submits 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 The first bail application was dismissed as withdrawn with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 and now the prosecutrix has been examined and she has not supported the case of the prosecution, therefore, counsel prays that the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix. Perusal of the statement it appears that she has not supported the case of the prosecution. Taking into such statement without any further observation on merits, this Court is 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge