

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4272 of 2017

- Ashish Kumar Ojha S/o Ashok Kumar Ojha, Aged About 18 Years R/o Tikrapara, Behind Jalaram Mandir, Thana City Kotwali, District Bilaspur, Chhattisgarh. --- **Appellant**

Versus

- State of Chhattisgarh through Police Station Koni, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Praveen Das, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2017

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. 139/2016 registered at P.S. Koni, Distt. Bilaspur (C.G) for the offence punishable under Sections 376(1) of IPC and section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3 & 4 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and thereafter she became pregnant and when she asked for marriage, the applicant refused to marry her. The prosecutrix being minor the offence has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix has been examined in this case as P.W.7 and the mother of prosecutrix has also been examined as P.W. 4 and the prosecutrix has not supported the case of prosecution,

therefore, no case is made out against the present applicant.

He further submits that the appellant is in jail since 13.05.2016 and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix (P.W.7) as also the statement of mother of prosecutrix (P.W.4). Considering such statements of witnesses and looking to the period of custody of the applicant as he is stated to be in jail since 13.05.2016 i.e., more than one year, I am inclined to allow this bail application.
6. Accordingly the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**