

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4358 of 2017

Hemant Singh @ Shanku Gond S/o Vanshrup Singh Gond, Aged
About 22 Years Caste Gond, R/o Village Rokda, Post Office &
Police Station Kelhari, District Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Khadgawan, District Koriya, Chhattisgarh.

---- Respondent

For applicant - Shri Shivendu Pandya, Advocate.
For Respondent/State – Shri Sangarsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/06/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 27/07/2016 vide M.Cr.C. No. 4104 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 213/2015 registered in Police Station Khadgawan, District Koriya (CG) for offence punishable under sections 363, 366 & 376 (i) (n) of IPC and 4, 5 (1) & 6 of the Protection of Children from Sexual Offences Act, 2012. (As per charge sheet and those offences are mentioned in the charge sheet) & 363, 366 & 376 (2) (N) of IPC and 4, 6 & 10 of the Protection of Children from Sexual Offences Act, 2012 (the learned court below has been framed the charges in those section)
3. As per the prosecution case, a report was made by mother of the victim on 15/12/2015 that the applicant enticed away the minor girl from the lawful custody of her parents on the pretext of marriage and thereafter

committed sexual intercourse. Thereby, offence is committed.

4. Learned counsel for the applicant submits that now the prosecutrix has been examined and she has not supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that prosecutrix has not supported the case of the prosecution.

6. Considering the statement of prosecutrix copy of which is filed, without any observation on the merits, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE