

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5144 of 2017**

- Koushal S/o Komal Verma Aged About 23 Years R/o Chicha, Police Station Bori, District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bori, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Roshan Dubey, Advocate
For Respondent-State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

04/08/2017

1. This is the Third Bail Application under Section 439 of Cr.P.C. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.39/2016, registered in Police Station Bori, District Durg for offence punishable under Sections 376, 506, 450 & 345 of the IPC and Sections 3, 4, 5- $\bar{\alpha}$ & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case a report was made on 20.05.2016 that while the prosecutrix was alone in the house, the applicant came into the house, closed the door and thereafter extended the threat and committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that this is the third bail application. The first bail application was dismissed on 08.07.2016 with

liberty to repeat after examination of the prosecutrix and the second bail was dismissed on 29.03.2017 on the ground that till that date the prosecutrix could not be examined. He would submit that now the prosecutrix has been examined and she has not supported the case of the prosecution.

4. Learned State counsel is not in a position to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. Perused the statement of the prosecutrix PW-1. It appears, she has not supported the case of the prosecution. Without further observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu