

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6110 of 2017

- Gopal Banjare S/o Shyam Das Banjare, Aged About 24 Years
R/o Village Duldula, P.S. Simga, District Balodabazar-Bhatapara,
Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police
Station Simga, District Balodabazar-Bhatapara, Chhattisgarh ---
Respondent

For the applicants : Mr. A.S. Rajput, Advocate
For the State : Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.09.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No. 233/2016 registered at Police Station Simga, Distt. Baloda Bazar, Bhatapara (C.G) for the offence punishable under Section 376 of IPC.
2. The first bail application was dismissed as withdrawn on 23.3.2017
3. As per the prosecution case, on 20.08.2016 when the victim had gone to answer the call of nature, the applicant came there, caught hold of her and committed forcible sexual intercourse.
4. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn on 23.3.2017 and thereafter the prosecutrix, her mother and father have been examined and they have not

supported the case of prosecution. He further submits that P.W.1, the prosecutrix has stated that no rape was committed and it was because of some dispute, some altercation took place and she was beaten and the statement of prosecutrix would show that she was made to make such false report as would be evident from the statement i.e., P.W.1.

5. On the other hand, learned State Counsel opposes the bail application.
6. Perused the statement of P.W.1. Considering her statement, without any further observation on merits of the case, I am inclined to release the applicant on bail.
7. 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE