

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7247 of 2017**

- Ashwani Sahu S/o Bhukhan Sahu Aged About 48 Years R/o Village Kirwai, P. S. & Tahsil Simga, District District Baloda Bazar Bhatapara, (Chhattisgarh)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Simga, District Baloda Bazar Bhatapara, (Chhattisgarh)

---- Respondent

For Applicant	:	Shri B.L. Dembra, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/11/2017**

1. This is the second bail application filed under Section 439 of the Cr.P.C. seeking grant of regular bail to the applicant in connection with Crime No.41/2017 registered at P.S. Simga, Distt. Baloda Bazar Bhatapara (C.G.) for the offence punishable under Sections 376, 323 & 506 I.P.C.
2. The First Bail Application bearing M.Cr.C. No.3366/2017 was dismissed on 13.06.2017.
3. Learned counsel for the applicant submits that the prosecutrix in this case has been examined and she has not supported the case of the prosecution that she was subjected to rape. He would further submit that that "the word Balatkar" has been attributed as the assault, therefore, no offence is made out against the applicant and he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have perused the statement of the victim PW-1. Considering her statement without any 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