

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5780 of 2017

- Nagendra Kumar Sahu S/o Nand Kumar Sahu Aged About 21 Years R/o Village Datrengi, Police Station Bhatapara (Rural), District Baloda Bazar Bhatapara Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Bhatapara (Rural), District Baloda Bazar Bhatapara Chhattisgarh. --- **Respondent**

For the applicant : Mr. Amiyakant Tiwari, Advocate
For the State : Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.09.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant in connection with Crime No. 98/2017 registered at Police Station Bhatapara (Rural), Distt. Baloda-Bazar Bhatapara (C.G) for the offence punishable under Sections 450 & 376 of IPC and section 4 of the POCSO Act.
2. As per the prosecution case on 21.03.2017, the victim was in her house. At that time the applicant had gone inside the room and committed forcible sexual intercourse. Subsequently, when she raised alarm, the parents of the victim came to the room wherein applicant was caught hold, however, he ran away by getting himself freed.
3. Learned counsel for the applicant would submit that the prosecutrix (P.W.2) and her mother (P.W.1) and father

(P.W.3) have been examined and they have not supported the case of prosecution and false allegation have been attributed, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that the prosecutrix, her mother and father have been examined and they have not supported the case of prosecution.
5. Perused the statement of prosecutrix (P.W.2). It shows that she has not supported the case of prosecution. Considering the same, without any further observation on the merits of the case, 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE