

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7003 of 2017**

- Shashi Deharia @ Ajay S/o Sant Ram Deharia, Aged About 22 Years R/o Village Sukhatal, Police Station Dadhi, District Bemetara, Chhattisgarh. At present R/o Siliyari Thana, Dharsiwa, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Dharsiwan, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Afroz Khan, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/12/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 02.04.2017 in connection with Crime No. 136/2017 registered at Police Station Dharsiwan, District Raipur (CG) for the offence punishable under Sections 363, 366, 376 of the I.P.C. & Section 4 of the POCSO Act.
2. As per the prosecution case, on 01.04.2017 a report was made by the mother of the prosecutrix that the applicant enticed away the minor girl from the lawful custody of the parents, thereafter, on the pretext of the marriage committed forceful sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the Court below and she has denied the incident and has

stated that nothing has happened with her, therefore, no case is made out against the applicant and he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. Perused the statement of the prosecutrix (PW-2), which shows that the prosecutrix has not supported the case of the prosecution. Considering the same without any 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