

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2631 of 2018

- Ratan Gorai @ Lalu, S/o Late Raghupati Gorai, Aged About 24 Years, R/o Ward No. 34, Godripara, Chirmiri, Police Station Chirmiri, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Vishrampur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/06/2018

1. This is the second bail application of this applicant. The first bail application of this applicant was dismissed as withdrawn with liberty to revive the same after examination of the main witness vide order dated 12.1.2018 in MCRC No.7329/2017. This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.163/2017, registered at Police Station Vishrampur, District-Surajpur, (C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since

14.9.2017. The prosecutrix has been examined before the trial Court in which she has not supported the prosecution case, hence, under this circumstance, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the minor prosecutrix was abducted on 3.8.2017 by this applicant and after alluring with false promise to marry her, he raped her on several occasions. Hence, this case.
6. On perusing the certified copy of the deposition of the prosecutrix, it appears that she has not supported the prosecution case, hence, after due consideration, I am of this view that at present no purpose would be served if the applicant is kept in detention till the conclusion of trial.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge