

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4900 of 2018**

Pappu Nishad S/o Late Manaram Nishad Aged About 32 Years R/o
 Village Khamhariya, Chouki- Chandanu, Thana Nandgaht Tehsil
 Nawagarh, Civil & Revenue District Bemetara Chhattisgarh.

--- Petitioner**Versus**

State of Chhattisgarh through the Chouki- Chandanu, Police Station
 Nandgaht District Bemetara Chhattisgarh.

--- Respondent

For the applicant	: Mrs. Sharmila Singhai, Advocate.
For the State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****25.07.2018**

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 367/2016 registered at Police Chouki Chandanu Police Station Nandghat Distt. Bemetara (C.G) for the offences punishable under Sections 376 of IPC.
2. As per the prosecution case, a report was made by the prosecutrix on 08.09.2016 that on 24.08.2016 when she was looking after the child of her neighbor Smt. Saraswati, the applicant who is the husband of Saraswati caught hold of the prosecutrix and thereafter committed forcible sexual intercourse with her.
3. Learned counsel for the petitioner submits that the first bail was dismissed as withdrawn on 07.12.2016 with liberty to repeat the same after examination of the prosecutrix.

Thereafter the second bail application was dismissed as withdrawn on 17.01.2018 as on that date the prosecutrix was not examined. It is stated that by now the prosecutrix has been examined and she has not supported the case of prosecution and the applicant is in jail since 09.09.2016, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statement of prosecutrix examined as P.W.1. It appears that she has not supported the case of prosecution. Considering the statement of the prosecutrix as also the fact that the applicant is in jail since 09.09.2016, 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**