

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5319 of 2018**

- Chandu @ Mofid Ahmed S/o Mohid Ahmed Aged About 23 Years R/o Krishna Nagar, Supela Bhiali, P. S. Chavni, District Durg (wrongly mentioned as Korba) Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through SHO Police Station Chhawani Civil And Revenue District Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Shikhar Bakhtiyar, Advocate
For Respondent/State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/07/2018**

1. This is the Second 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 08.09.2017 in connection with Crime No. 412/2017 registered at Police Station Chhawani, District Durg (CG) for the offence punishable under Sections 363, 366 & 376 IPC and Section 5 (अ) & 6 of the POCSO Act.
2. As per the prosecution case, the applicant enticed away the minor girl during the immersion procession of Ganpati and thereafter committed forceful sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is the second bail application, the first bail application was dismissed as withdrawn on 04.04.2018 with a liberty to repeat the same after examination of the

prosecutrix vide M.Cr.C. No.978 of 2018. He further submits that now the prosecutrix has been examined and no offence has been attributed to the present applicant, therefore, the applicant may be released on bail.

4. Learned State counsel 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, who is examined as PW-1. Considering her statement, without any further observation on merit at this stage 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