

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8199 of 2018

Sanjay Kashyap, S/o. Sukhdev Kasyap, Aged About 23 Years, R/o. Village Badedharaur Pujaripara, P.S. Lohandiguda, District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station- Lohandiguda, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.11.2018

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.11/2018 registered at Police Station- Lohandiguda, District Bastar (C.G.) for the offence punishable under Section 376 of Indian Penal Code. The first bail application was dismissed as not pressed on 11.05.2018 and second bail application was dismissed as withdrawn on 09.07.2018 with liberty to file afresh after examination of the prosecutrix.
2. As per the prosecution case, it is alleged that the present applicant on 16.10.2018 called the prosecutrix and enticed away from the lawful custody of her parents on the pretext of marriage and thereafter committed forceful sexual intercourse.
3. Learned counsel for the applicant would submit that the first bail application was dismissed as not pressed and second bail application was dismissed as withdrawn with liberty to repeat the same after examination of the prosecutrix and now the prosecutrix

has been examined and she has not supported the case of the prosecution, therefore, the applicant 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 case diary and statement. Considering the fact that the prosecutrix has not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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/-
(Goutam Bhaduri)
Judge