

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1063 of 2019**

Bholu @ Ramsharan @ Rahul Shukla S/o Late Shrawan Shukla Aged
About 25 Years R/o Village Kukusada Chowki Saket Police Station
Pathariya District Mungeli Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Chowki Saket
Police Station Pathariya District Mungeli Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Dharendra Pandey, Advocate.
For the Respondent	:	Mr. Ghanshyam Patel, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****18.02.2019**

1. This is second 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.66/2018 registered at Police Station Chowki Saket Pathariya, Distt. Mungeli (C.G) for the offences punishable under Sections 363, 366, 376 of IPC & sections 4-6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the allegation against the present applicant is that he has enticed and taken away the minor girl from the lawful custody of the parents in the month of February 2018 and thereafter has committed sexual intercourse.
3. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn on 11.07.2018 with liberty to file afresh after examination of the prosecutrix and by now the prosecutrix has been examined and she has not

supported the prosecution case. He further submits that the charge sheet has been filed and the applicant is in jail since 02.02.2018 therefore he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is not able to dispute the fact that the prosecutrix has not supported the case of prosecution.
5. Perused the statement of prosecutrix wherein it appears that she has denied the case of prosecution. Considering the same, without any observation on 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**