

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1588 of 2019**

Rakesh Joshi S/o Bhukhan Joshi Aged About 24 Years R/o Village
Murmunda, Police Station- Nandini, District- Durg, Chhattisgarh.

--- Petitioner**Versus**

State of Chhattisgarh through the Station House Officer, Police
Station Nandini Nagar, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Rekhraj Baghel, Advocate.
For the Respondent	:	Mr. Ravi Bhagat, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****07.03.2019**

1. This is 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.240/2017 registered at Police Station Nandini Nagar, Distt. Durg (C.G) for the offences punishable under Section 376 of IPC and sections 4 & 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by Superintendent of Govt. Children (girls) Observation Home, camp at Mana, Raipur that the minor girl was subjected to sexual intercourse by the applicant on the pretext of marriage, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the first bail application was dismissed on 14.05.2018 with liberty to repeat the prayer after examination of the prosecutrix and

the second one was dismissed on 07.01.2019 as it was premature. He submits that the prosecutrix has been examined and she has not supported the case of prosecution, therefore, no offence is made out. It is further submitted that the applicant is in jail since 25.09.2017, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the prosecutrix has not supported the case of prosecution.
5. Perused the statement of prosecutrix. It appears that she has denied the case of prosecution. Considering the statement of prosecutrix as also the fact that the applicant is in jail since 25.09.2017, without any further 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**