

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4346 of 2021**

Ashok Chauhan S/o Karam Singh Chauhan Aged About 22
Years R/o Village Dholnara, Tahsil- Tamnar, District :
Raigarh, Chhattisgarh ---Applicant

Versus

State of Chhattisgarh through the Officer-In-Charge, Police
Station - Tamnar, District : Raigarh, Chhattisgarh
--- Respondent

For the applicant	:	Mr. Ashutosh Mishra, Advocate.
For the Respondent	:	Ms.Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.12.2021**

1. This is first 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.37/2021 registered at Police Station Tamnar, Distt.Raigarh (C.G) for the offences punishable under Sections 376, 506 of IPC and sections 4 & 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 07.02.2021 the applicant forcibly committed sexual intercourse with the girl, who was below the age of 18 years , thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the Court and she has completely denied the occurrence of the incident, therefore, no offence is made out and the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the grant of bail.
 5. A perusal of the order sheet would show that though the notice was served but either the prosecutrix or the informant have chosen not to appear.
 6. Perused the statement of prosecutrix P.W.1. Having considered the statement wherein prima facie it shows that she has completely disowned the incident, without any observation on merits of the case, I am inclined to allow this bail application.
 7. 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