

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6779 of 2021**

- Umesh Kumar Korai S/o Shri Buddha Panika Aged About 25 Years R/o Village Karra Aamapra P.S. - Rajpur District- Balrampur- Ramanujganj (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer, P.S. Rajpur, District Balrampur- Ramanujganj (C.G.)

---- Respondent

For Applicant : Ms. Sonia Kuldeep, Advocate

For Respondent/State : Shri Sanjay Pathak, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/12/2021**

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 was arrested on 05.03.2020 in connection with Crime No. 33/2020 registered at Police Station Rajpur Dist Balrampur Ramanujganj C.G. for the offence punishable under Section 363, 366, 342, 354/34 of IPC and Sections 7 & 8 of POCSO Act and under Section 3 (2-V) (A) & 3(1) (B) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, the applicant along with other co-accused abducted and molested one prosecutrix and other was subjected to rape both the prosecutrix were minor and hence offence was committed.

3. Learned counsel for the applicant submits that this the third bail application. The first bail application MCRC No. 3150 of 2020 was dismissed on 16.09.2020 with liberty to revive the prayer after examination of the prosecutrix and the second bail application MCRC No.2161 of 2021 was dismissed as withdrawn on 11.06.2021. She would further submit that the prosecutrix has been examined and she has not supported the case of the prosecution, therefore the present applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however he do not dispute the fact that the prosecutrix has been examined and she has not supported the case of the prosecution.
5. Heard learned counsel for the parties and perused the records.
6. Considering the fact that the prosecutrix has not supported the case of the prosecution without any observation on the merits, I am inclined to release the applicant on bail.
7. 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