

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6963 of 2021**

- Dhirendra Kumar Gautam S/o Kewal Prasad, Aged About 21 Years R/o Village And Thana Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Shri A.K. Yadav, Advocate

For Respondent/State : Shri Sanjay Pathak, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/12/2021**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 18.04.2021 in connection with Crime No. 70/2021 registered at Police Station Raghunathnagar Balrampur Ramanujganj C.G. for the offence punishable under Section 363, 366, 376(2) (n) of the Indian Penal Code and section 6 of POCSO Act.
2. As per the prosecution case, report was lodged by the father of the victim that applicant enticed the victim and committed forceful sexual intercourse, therefore offence has been committed and FIR was lodged on 22.04.2021.
3. Learned counsel for the applicant submits that completely false case

was made out and because of certain earlier dispute the report was lodged. He further submits that the applicant is in jail since 18.04.2021, therefore the present applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The victim and the complainant are present in the Court and would submit that the applicant may be enlarged on bail and no offence has been committed.
6. Heard learned counsel for the parties and perused the records.
7. Perusal of statement of the victim placed on record would show that she has not supported the case of the prosecution.
8. Considering the submission made before the court and taking into the facts that the victim has not supported the case of the prosecution, without any further observation on the merits of the case, I am inclined to release the applicant on bail.
9. 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