

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7736 of 2021**

- Ram Prakash S/o Shankar Lal Aged About 21 Years R/o Mati Jhariya Mansukh, Police Station And Tahsil Baikunthpur, District Koriya Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Khadgawa, District Koriya Chhattisgarh

---- Respondent

For Applicant : Shri Anil Gulati, Advocate

For Respondent/State : Shri Anshuman Shrivastava, 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 02.09.2021 in connection with Crime No. 298/2021 registered at Police Station Khadgawa, District Koriya C.G. for the offence punishable under Section 363, 366, 376(2) (ढ) of the Indian Penal Code and Section 4 & 6 of POCSO Act.
2. As per the prosecution case, the applicant enticed the minor girl and committed forceful sexual intercourse on the pretext of marriage and therefore offence has been committed.
3. Learned counsel for the applicant submits that the applicant and the victim were married to each other and out of the wedlock a child was

born but subsequently the child died and no forceful rape has been committed and further submit that the victim has also not supported the case of prosecution, 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 father of the victim are present in the Court through video conferencing from D.L.S.A. Baikunthpur and would submit that the applicant may be enlarged on bail.
6. Heard learned counsel for the parties and perused the records filed along with the petition.
7. 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.
8. 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