

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7990 of 2021**

Vikas Kaser S/o Mulchand Kaser, Aged About 23 Years Caste -  
 Kaser, R/o Village - Gangpur, Tahsil - Pendra, District -  
 Gourela - Pendra - Marwahi Chhattisgarh.  
**--- Applicant**

**Versus**

State of Chhattisgarh through the Station House Officer,  
 Police Station - Gourela, District - Gourela - Pendra - Marwahi  
 (Wrongly Mentioned as District – Bilaspur). **--- Respondent**

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| For the applicant  | : Mr. Suryakant Mishra, Advocate.        |
| For the Respondent | : Mr. Raghavendra Verma, Govt. Advocate. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**09.12.2021**

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. 118/2019 registered at Police Station Gourela, Dist. Gourela Pendra Marwahi (C.G) for the offences punishable under Sections 363, 366, 376 of IPC and sections 4 & 6 of the POCSO Act.
2. As per the prosecution case, on 03.04.2019 a report was made by the father of the victim that the prosecutrix who is a minor girl went away from the house and subsequently she was recovered from the custody of the applicant on 13.09.2021. On enquiry it was revealed that she was subjected to forcible sexual intercourse and she being minor, the offence is committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the court and she has

not supported the case of prosecution, therefore, the applicant may be enlarged on bail.

4. The victim along with other family members are also is present today through the video conferencing from DLSA Pendra Road and submits that the applicant may be enlarged on bail.
  5. Per contra, learned State Counsel opposes the bail application.
  6. Perused the statement of victim recorded before the court below, which shows that she has not supported the case of prosecution and further before this Court too, today when she is connected to the video conferencing through DLSA she has not objected to grant of bail. Considering such statements of the victim, 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**