

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8573 of 2021

Love Kumar Chouhan S/o Bharat Lal Chouhan Aged About 33
Years R/o Emeliduggu, Sitamani Thana Kotwali, Tahsil And District
Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
- Balco Nagar, District, Korba Chhattisgarh.

---- Respondent

For applicant - Shri Rishabh Chandra Singh Samant, Advocate appears
on behalf of Shri Goutam Khetrapal, Advocate.
For Respondent/State – Shri Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

01/11/2021

1. This is the second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 26/07/2021 with liberty to repeat the same after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.5/2021 registered in Police Station Balco Nagar, District-Korba (C.G.) for offence punishable under section 376 of Indian Penal Code.
3. As per the prosecution case, a report was made by the prosecutrix that on the pretext of marriage sexual intercourse was committed against the wish of the prosecutrix, thereby offence has been committed.
4. Learned counsel for the applicant submits that on the earlier occasion on 26/07/2021 bail application was dismissed with a liberty to repeat the same after examination of the prosecutrix. He would submit that now the prosecutrix has been examined, she has not supported the case of the prosecution. He has placed reliance of Annexure A-2 the

statement of the prosecutrix.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the prosecutrix examined as PW-1. Having considered the same, without any further observation on the merits, it prima facie shows that she has not supported the case of the prosecution, however which may be subject to the just exception before the trial court. Taking into over all aspect, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE