

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8831 of 2021**

Babulal Thakur S/o Raju Ram Thakur Aged About 24 Years R/o
 Village Mongrapal Police Station Bastar District Bastar, Chhattisgarh
---- Applicant

Versus

State of Chhattisgarh through Police Station Ajak Darbha District :
 Bastar(Jagdalpur), Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Pravin Kumar Tulsyan, Advocate.
For the Respondent	:	Mr. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

15.12.2021

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. 27/2021 registered at Police Station AJAK Darbha, District Bastar (C.G) for the offences punishable under Sections 363, 366(A), 376 of IPC and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, the applicant knowing fully well that the the victim is minor has committed forcible sexual intercourse with the victim on the pretext of marriage, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the court below and she has not supported the case of prosecution. He further submits that on 08.12.2021 the victim appeared through

video conferencing from DLSA Jagdalpur and submitted that the applicant be enlarged on bail. It is also submitted that the charge sheet has been filed and the applicant is in jail since 21.6.2021, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statement of victim recorded before the court below, which shows that the prosecutrix was examined as P.W.1 wherein she has completely disowned the happening of incident and further before this Court too, when she was present on 08.12.2021 through the video conferencing she has stated that the applicant may be enlarged on bail. Having considered such statements of the victim, without going into the merits of the case, I am inclined to allow this bail application.
 6. 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