

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5862 of 2016

Vikas @ Vicky Manikpuri S/o Fatte Das Aged About 28 Years R/o. Polytechnic College Road, Behind Kanji House, Balco, Police Station Balco District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Chhal, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Shri N.K. Chatterjee, Advocate
For Respondent/State	:	Shri D.R. Minj, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/10/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 32 of 2016 registered in Police Station- Chhal, District Raigarh, for the alleged commission of offence under Sections 363, 366 and 376 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant abducted and thereafter committed rape on the prosecutrix stated to be less than 18 years of age.
3. Learned counsel for the applicant submits that from the statement of the prosecutrix herself, it is clear that the prosecutrix had gone along with the applicant and she stayed with the applicant for about one week and according to her, thereafter, she was brought back by the applicant in the house. The next submission of learned counsel for the applicant is that the possibility of the prosecutrix being more than 18 years of age cannot be ruled out in view of ossification test carried out by the prosecution which shows the age of the

prosecutrix between 17-18 years. He submits that the investigation is complete, charge sheet has been filed and therefore the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submitted that according to material on record, even if it were considered to be a case of consent, the age of the prosecutrix was less than 18 years at the time of alleged incident.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that even according to ossification test, the age of the prosecutrix is said to be 17 to 18 years of age, investigation is complete, charge sheet has been filed and also taking into consideration the statement of the prosecutrix with regard to she having eloped with the applicant in his motorcycle and remained with him for about one week, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (ii) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge