

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6422 of 2016

1. Kishan S/o Ram Singh Maravi Aged About 21 Years (Wrongly Mentioned As Ratu Singh Maravi In Bail Rejection Order), R/o Village Chanwaridand, Police Station Manendragarh, Civil & Revenue District Koriya, Chhattisgarh.
2. Ravi Panika S/o Late Nandu Panika Aged About 30 Years R/o Village Chanwaridand, Police Station Manendragarh, Civil & Revenue District Koriya, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Manendragarh, Civil & Revenue District Koriya, Chhattisgarh.

---- Respondent

Shri Adil Minhaj, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/10/2016

The applicant has been arrested on 30/04/2016 in connection with Crime No.146/2016 registered at Police Station – Manendragarh, District – Koriya (CG) for alleged commission of offences under Section 363, 366, 34, 368, 376 (2) (i) (k) (n) of IPC and Section 5 (i) (k) (l), 6, 17 of the Protection of Children from Sexual Offences Act, 2012..

2. Case of the prosecution is that the applicants kidnapped the prosecutrix and it is alleged that they committed rape on the prosecutrix.

3. Learned counsel for the applicants submits that the allegation against the applicants was false and fabricated. The prosecutrix in her statement under Section 164 CrPC made before the Magistrate, has clearly stated that she herself ran away from her house and the applicants accompanied her at later stage and also there was no sexual intercourse between the prosecutrix and the applicants.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the age of the girl that she is 13 years and 8 months, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly statement of the prosecutrix under Section 164 CrPC wherein, she has stated that no sexual intercourse was committed on her and she, of her own, had run out of her house and also considering that investigation is complete and charge sheet has been filed, the application is allowed.

6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge