

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6602 of 2016

Santosh Lahre S/o Bahadur Lahre Aged About 18 Years R/o Village Thathari,
Police Station - Baradwar, Civil & Revenue District Janjgir Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Baradwar, Civil & Revenue
District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	:	Shri Deepak Kumar Singh, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

24/10/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 82 of 2016 registered in Police Station- Baradwar, Civil & Revenue District- Janjgir Champa, for the alleged commission of offence under Sections 376, 506-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix, who is a minor.
3. Learned counsel for the applicant submits that in the present case, all the material witnesses have been examined and the prosecutrix has also been examined and she has not supported the prosecution allegation of applicant having committed any sexual intercourse with the prosecutrix. 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 looking to the nature and gravity of the offence, the applicant is not entitled to be released on bail.
5. Taking into consideration the material available on record, particularly taking into consideration that most of the material witnesses have already been examined and also the submission of learned counsel for the applicant that the prosecutrix has not stated regarding any sexual intercourse committed by the applicant, 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 the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) that the applicant 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