

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6742 of 2016

1. Santu Mandavi S/o Faganuram Madavi Aged About 26 Years R/o Bade Kilepal, Paekpara, Police Station Kodena, District Bastar Chhattisgarh
2. Samu Kuharami S/o Boti Kuharami Aged About 25 Years R/o Bade Kilepal, Paekpara, Police Station Kodena, District Bastar Chhattisgarh
3. Chaitu Karma S/o Pakalu Karmaaged Aged About 33 Years R/o Bade Kilepal, Paekpara, Police Station Kodena, District Bastar Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station - Gidam District - Dantewada Chhattisgarh

---- Respondent

For Applicants	:	Ms. Soniya Kuldeep, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

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

Order On Board

02/11/2016

Heard.

1. The applicants have been arrested in connection with Crime No.10 of 2016 registered in Police Station- Gidam, District Dantewada, District -Dantewada (C.G.) for the alleged commission of offence under Section 363, 366, 366(A), 376, 34 of IPC and Sections 6 & 10 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicants kidnapped and committed rape on the prosecutrix which is minor in age.
3. Learned counsel for the applicants submit that the applicants have been falsely implicated in the trial, material prosecution witnesses including the prosecutrix, her father and doctor have been examined and the prosecutrix and her father has not supported the case of the prosecution and turned

hostile and the prosecutrix has already been declared hostile. Therefore, at this stage, the applicants may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that the applicants are being tried for alleged commission of grave offence and if they are released, it will adversely affect the progress of trial.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the important prosecution witnesses namely prosecutrix, her father and doctor have already been examined and taking into consideration the submission that the prosecutrix has not supported the case of the prosecution and has denied that she was subjected to any kind of sexual intercourse by the applicants, 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 one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge