

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6733 of 2016

Dharmendra Dhruw S/o Girdhar Dhruw Aged About 18 Years R/o Village
Bageechpara Ramkund, Police Station Ajad Chowk Raipur, Civil & Revenue
District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station
Ajad Chowk Raipur, Civil & Revenue District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri Santosh Sahu, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. G.A.

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

Order On Board

02/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No.92 of 2016 (wrongly mentioned as crime No.96/2016 in the impugned rejection bail order) registered in Police Station- Ajad Chowk, Raipur, District -Raipur (C.G.) for the alleged commission of offence under Section 376 of IPC and Sections 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant committed rape on prosecutrix which is minor in age.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated. The prosecutrix has already been examined in the Court and she has clearly stated that she was not subjected to any kind of rape or other overt act against her body. The mother of the prosecutrix has also not supported the case of the prosecution and except the oral statement, there is no other material evidence available with the

prosecution to prove sexual intercourse between the applicant and the prosecutrix.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that the allegations are serious in nature and at this stage, trial is not over and many other important prosecution witnesses have to be examined and if the applicant is released, it will adversely affect the progress of trial.
5. Taking into consideration the submission of learned counsel for the parties as also taking into consideration that the prosecutrix and her mother both have already been examined by the trial Court and that there is no medical report of the prosecutrix along with the charge sheet, 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) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) 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.
7. Before parting with the case, it has to be observed that even though the prosecutrix alleged that she was subjected to rape, the I.O. did not get her medically examined and there is no medical report in the charge sheet. The trial Court shall examine this aspect also while trying the offence and the role played by the Investigating Officer.
8. Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge