

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6728 of 2016

Parmeshwar Uraon S/o Lalsay, Aged About 50 Years R/o Village Lai, Police Station Podi, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Patna, District Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Gulati, 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 on 18.06.2016 in connection with Crime No. 128 of 2016 registered in Police Station- Patna, District -Korea (C.G.) for the alleged commission of offence under Sections 363, 366, 376, 368, 376(2) (ज) (ट) (ठ) of IPC and Sections 4, 8, 12, 19, 21, 5 (क) (ख) (ग) & Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that co-accused Shyamlal kidnapped the prosecutrix, a minor and committed rape on her. It is alleged that for about two days, co-accused Shyamlal resided with prosecutrix in the house of the applicant where also she was subjected to rape.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He had no role to play. The prosecutrix had come to his house along with co-accused Shyamlal and thereafter, the applicant sent the girl back to her house. He submits that as the investigation is complete and charge sheet has been filed, the applicant may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that the applicant knowing fully well that the prosecutrix was minor, allowed co-accused Shyamlal to reside in his house for 1-2 days where Shyamlal committed rape on the prosecutrix.
5. Taking into consideration the submissions made by learned counsel for the parties, totality of the circumstances, role alleged to be played by the applicant and further taking into consideration that according to the prosecutrix's statement under Section 161/164 Cr.P.C., the applicant had sent the prosecutrix back to her house by dropping her in bus stand, 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge