

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6827 of 2016

Shivbarat S/o Hirachand Aged About 23 Years Caste - Kanwar, Occupation - Agriculture, R/o Village - Karouti (B), O. P. Chendra, Police Station - Jhilmili, District - Surajpur Chhattisgarh Civil & Revenue District - Surajpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Jhilmili District - Surajpur Chhattisgarh

---- Respondent

Shri A.K.Prasad, counsel for the applicant/s.
Shri Dilman Rati Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/11/2016

Heard.

The applicant has been arrested in connection with Crime No.51/2016 registered at Police Station – Jhilmili, District - Surajpur (CG) for alleged commission of offences under Section 363, 354 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant had kidnapped a girl aged eight years and outraged her modesty.

3. Learned counsel for the applicant submits that from the entire evidence available on record, at the most, offence under Section 363 IPC alone is made out. In the absence of any overt act by the applicant towards Section 354 IPC and Section 8 of the POCSO Act, those offences are *prima facie* not made out and offence under Section 363 IPC is bailable in nature.

4. On the other hand, learned State counsel submits that the circumstances of the case and nature of allegations against the applicant, *prima facie* case is made out not only under Section 363 IPC but also under Section 354 IPC and POCSO

Act.

5. Taking into consideration the submission of learned counsel for the parties, statement under Section 164 IPC of the victim girl and that offence under Section 363 IPC is bailable in nature and that the applicant is in jail since 11/05/2016 and charge sheet has been filed, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. 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 Trial Court. He 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