

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7018 of 2016

Falendra Manikpuri S/o Shri Bikul Das Aged About 20 Years R/o Bakana Police Station
Dhaurpur, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Rajpur, District Balrampur, Chhattisgarh.

---- Respondent

Ms. Sonia Kuldeep, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/11/2016

Heard.

The applicant has been arrested on 12/10/2015 in connection with Crime No.148/2015 registered at Police Station – Rajpur, District – Balrampur (CG) for alleged commission of offences under Section 342, 363, 366 (A), 376 (2) N of IPC and Section 5L, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped the prosecutrix and thereafter, committed rape on her, who is minor in age.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that most of the material witnesses have already been examined and they have not supported the case of the prosecution. It is further submitted that the prosecutrix herself has stated before the Court that she does not know the applicant. In these circumstances, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that the applicant is being tried for commission of heinous offence. He submits that the applicant is likely to abscond or tamper with the prosecution witnesses which will affect the fair trial of the case.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has already been examined, who has not supported the case of the prosecution and even refused to recognize the applicant and further that there is no material to show that the applicant, in the event of grant of bail, is likely to abscond or tamper with the prosecution witnesses, I am inclined to enlarge the applicant on bail.

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**