

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6956 of 2016

Kamalbhan S/o Hiralal Harijan Aged About 22 Years R/o Village Barhori,
Thana Janakpur, District Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Janakpur, District Koriya,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

07/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No.77 of 2016 registered in Police Station- Janakpur, District -Koriya (C.G.) for the alleged commission of offence under Sections 363, 366, 376(2) (n) of IPC and Sections 4,5,6,9 &10 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the co-accused Tilakdhari kidnapped the minor girl. The allegation against the applicant is that the applicant had also accompanied the co-accused when he had kidnapped the minor girl.
3. Learned counsel for the applicant submits that as far as the present applicant is concerned, even according to the prosecutrix, she had an affair with co-accused Tilakdhari and she had voluntarily accompanied co-accused therefore, in these circumstances, in the absence of there being any allegation of applicant having committed any sexual intercourse, the

applicant may be granted bail as the allegation of sexual intercourse is prior to alleged kidnapping.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that the prosecutrix was first raped by co-accused and thereafter, the co-accused had kidnapped the prosecutrix in which act the applicant had also played active role in kidnapping.
5. Taking into consideration the submissions, nature and extent of alleged role played by the applicant, further taking into consideration that the allegation of rape is prior to alleged kidnapping, 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