

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7107 of 2016

- Umesh Marapi S/o Nawal Ram Marapi Aged About 22 Years R/o Village Jamgaon Tikara Para, Police Station Keshkal, Revenue & Civil District Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Dhanora District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsiyan, Advocate
For Respondent/State	:	Mr. D. R. Minj, Dy. Govt. Advocate

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

Order On Board

15/11/2016

Heard.

1. The applicant has been arrested on 04.07.2016 in connection with Crime No.18 of 2016, registered in Police Station- Dhanora, District- Kondagaon (C.G.) for the alleged commission of offence under Sections 363, 366, 354 and 342 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that even according to the prosecutrix, stated in her statement under Section 164 of the Cr.P.C., she is 18 years of age and the material placed before the Court by the prosecution also shows that the prosecutrix was nearly 18 years of age, being short of 2 days. He further submits that the statement of the prosecutrix further shows that she with her own consent had gone with the applicant on his motorcycle and thereafter returned back. It is also submitted that investigation is complete and charge-sheet has been filed, therefore, the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application by submitting that the applicant had taken the prosecutrix in his motorcycle to outrage her modesty by compelling her to proceed and

stay with him for a day makes out the applicant guilty for alleged commission of offence.

4. Taking into consideration nature of allegation and the extent of overt act of the applicant, age of the prosecutrix and that the investigation is complete and charge-sheet has been filed and also that the applicant is in jail since 04.07.2016, the application is allowed.
5. 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