

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7049 of 2016

Lalit Dhritlahre S/o Narayan Dhritlahre Aged About 25 Years R/o Pt. Deendayal Upadhyay Ward, Behind Bengali Kali Temple, Bhatapara, Police Station Bhatapara, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Bhatapara Sahar, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

Shri Anil Gulati, 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

07/11/2016

Heard.

The applicant has been arrested on 02/072016 in connection with Crime No.109/2016 registered at Police Station- Bhatapara Sahar, District - Baloda Bazar, Bhatapara (CG) for alleged commission of offences under Section 376, 506 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant being brother-in-law of the prosecutrix, committed rape on her who is minor in age.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated on the suspicion of other members of the family. He further submits that all material witnesses of the prosecution including the prosecutrix have already been examined and none have supported the case of the prosecution and the prosecutrix has clearly denied that any rape was committed on her by the applicant. Therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that the applicant is alleged to have committed heinous offence and grant of bail will adversely

affect the fair trial. Therefore, he may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that all material witnesses, including the prosecutrix have already been examined and also the submission that prosecutrix has not supported the case of the prosecution and denied any rape on her, 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