

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7093 of 2016

- Ravishankar Khunte S/o Ramgual Khunte Aged About 26 Years R/o Village Taldevri, District Janjgir Champa, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Dipka, District Korba, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Vikash Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

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

Order On Board

05/12/2016

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.7/2016 registered at Police Station Dipka, District Korba for the offence punishable under Section 363, 366, 376 of IPC and Section 7 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 24-07-2016.

3. Case of the prosecution is that the applicant kidnapped and thereafter, committed rape on the prosecutrix, who is a minor.

4. Learned counsel for applicant submits that he has been falsely implicated in this case without there being any involvement. The prosecutrix has already been examined in the Court as PW-6 and in her statement, she refused to recognize the applicant and not involved the applicant in the alleged offence. Learned counsel for the applicant next submitted that important prosecution witnesses have already been examined, therefore, in these circumstances, the applicant may be enlarged on bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the allegations against the applicant are serious in nature and as many other prosecution witnesses are yet to be examined, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the parents, sister and prosecutrix have already been examined by the trial Court and further taking into consideration the submission of learned counsel for the applicant that the prosecutrix has refused to recognize the applicant on the dock during trial and not involved the applicant in the alleged offence, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E