

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7343 of 2016

Sahil Mohammed S/o Ibrahim Mohammed Aged About 20 Years R/o Village :
Otgan, Police Station : Palari, District : Baloda Bazar - Bhathapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station : Palari,
District Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Shri Umesh Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

21/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 244 of 2016 registered in Police Station- Palari, District- Baloda Bazar-Bhatapara(C.G.) for the alleged commission of offence under Sections 363, 366 & 376 IPC and Sections 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix, a minor, and committed rape on her.
3. Learned counsel for the applicant submits that the allegation of the prosecution that the applicant kidnapped or raped the prosecutrix is false in view of statement given by the prosecutrix under Section 164 Cr.P.C., in which she has stated that she compelled the applicant to go along with her on the threat that if the applicant does not go along with her, she will commit suicide. It is further submitted that in 164 Cr.P.C. statement, there is no allegation of commission of any kind of sexual intercourse.
4. On the other hand, learned counsel for the State has opposed the bail

application. He submits that though in 164 Cr.P.C. statement, there is no specific allegation of sexual intercourse, in diary statement such allegation has been made.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration what has been stated by the prosecutrix in her statement under Section 164 Cr.P.C. and further taking into consideration that the investigation is complete and charge sheet has been filed, 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