

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7272 of 2016

Maniram Sonwani @ Bablu S/o Shri Bandhura Sonwani, Aged About 25 Years
R/o Village Ghugharikala, Parsuamba, Police Station Kusmi, District Balrampur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Shankargarh, District Balrampur, Chhattisgarh.

---- Respondent

Shri Roop Naik, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2016

Heard.

The applicant has been arrested in connection with Crime No.12/2016 registered at Police Station - Shankargarh, District - Balrampur (CG) for alleged commission of offences under Section 363, 366 (A), 376 (2-3) of IPC and Section 3, 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped the prosecutrix and committed rape on her.

3. Learned counsel for the applicant submits that the allegation of commission of offence of rape is false as the prosecutrix has been examined in statement under Section 164 CrPC and there is no allegation of she having subjected to rape. He submits that investigation is complete and charge sheet has been filed, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that though in statement under Section 164 CrPC, there is no specific averment of commission of rape, in the FIR and diary statement, there are statement to

show that the applicant committed rape.

5. Taking into consideration the submission of learned counsel for the parties, age of the prosecutrix and submission that in statement under Section 164 CrPC, there is no allegation of commission of rape and that investigation is complete and charge sheet has been filed, 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