

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7860 of 2016

Om Prakash Yadav S/o Shri Ramkumar Yadav Aged About 19 Years
(Wrongly Mentioned In Order Sheet In Place Of Rajkumar Yadav) R/o
Village Bakarkuda, Out Post Malhar, Police Station Masturi, District Bilaspur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Incharge, Police Station
Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri A.R.K. Rao, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

05/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No.264 of 2016 registered in Police Station- Masturi, District -Bilaspur (C.G.) for the alleged commission of offence under Sections 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated by the police for alleged commission of such kind of offence. He submits that the prosecutrix in her statement recorded by the Magistrate under Section 164 Cr.P.C. has stated that the applicant have not committed

any rape on her. He further submits that the investigation is complete, charge sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, therefore, he may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of offence and that prosecution witnesses are yet to be examined by the Court, the applicant is not entitled to grant of bail.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the applicant and prosecutrix were in affair and that the prosecutrix in her statement under Section 164 Cr.P.C before the Magistrate has not alleged that she was subjected to any sexual intercourse by the applicant and that the investigation is complete, charge sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, 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