

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7483 of 2016

Tek Lal @ Teekam Kurre S/o Pran Das Kurre Aged About 25 Years R/o Village Bariyarpur, Police Station Lalpur, District Mungeli Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Pulgaon, District Durg Chhattisgarh

---- Respondent

Shri Jitendra Gupta, counsel for the applicant/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/11/2016

Heard.

The applicant has been arrested in connection with Crime No.341/2015 registered at Police Station – Pulgaon, District - Durg (CG) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 5 (घ) of the Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”).

2. Case of the prosecution is that the applicant kidnapped the prosecutrix, she was taken to different places and was subjected to rape.

3. Learned counsel for the applicant submits that the allegations against the applicant are false. He submits that the most important witnesses of the prosecution i.e. the prosecutrix herself has been examined and she has not supported the case of the prosecution and has clearly stated that nothing happened with her. He submits that according to the prosecution, the age of the prosecutrix is almost 17 years. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel submits that though the prosecutrix has been examined, there are important witnesses of the prosecution who are yet to

be examined and looking to the gravity of allegations against the applicant, bail application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has already been examined and submission of learned counsel for the applicant that the prosecutrix has not supported the case of the prosecution, turned hostile and stated that nothing happened to 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