

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7820 of 2016

Omprakash @ Nippo S/o Late Parasram Thakur Aged About 21 Years R/o Kundra Para, Bhilai 3, Police Station Old Bhilai, Tehsil Patan & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Old Bhilai District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Shokie Yadav, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. G.A.

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.242 of 2016 registered in Police Station- Old Bhilai, District -Durg (C.G.) for the alleged commission of offence under Sections 363, 366, 376 of IPC and Sections 5 & 6 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, who is minor in age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that the prosecutrix has been examined in the Court and she has not supported the case of the prosecution and nor has stated regarding any sexual intercourse committed on her by the applicant and according to her, she and applicant were in affair.

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 other prosecution witnesses are yet to be examined, 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 prosecutrix has been examined in the trial Court and that she has not involved the applicant as having committed any sexual intercourse on her or having kidnapped her, 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