

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7792 of 2016

Virendra Tirkey S/o Madhuri Ram Tirkey Aged About 30 Years R/o Village Bakaruma (Charkhapara), P.S. Dharamjaigarh, Present Address Jajaka Police Station Sitapur, District Sarguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:	Shri V.K. Pandey, 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. 130 of 2016 registered in Police Station- Sitapur, District- Sarguja (C.G.) for the alleged commission of offence under Sections 363, 366 and 376 IPC, Section 5 (३)/6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the allegation against the applicant are false and fabricated. The prosecutrix has been examined before the Magistrate under Section 164 Cr.P.C., wherein she has not at all involved the applicant in the alleged commission of offence. He submits that the investigation is complete and charge sheet has been filed and therefore, the applicant may be released on bail as he is not likely to abscond or otherwise

tamper with the prosecution witnesses.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that in the FIR and diary statement, there are allegation of commission of offence, therefore, at this stage, the applicant may not be granted bail looking to the nature and gravity of allegation.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the **sbumission** based on the statement of the prosecutrix recorded by the Magistrate under Section 164 Cr.P.C. that the applicant has not at all been involved by the prosecutrix and that 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