

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7812 of 2016

Mithlesh Verma S/o Chainram Verma Aged About 18 Years R/o Village Sahaspur (Pipartola), Post - Lohara, District - Kawardha, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Dhamdha, District Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Jitendra Gupta, Advocate
For Respondent/State	:	Shri Manish Nigam, 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. 238 of 2016 registered in Police Station- Dhamdha, District- Durg (C.G.) for the alleged commission of offence under Sections 363, 366 and 376 IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix and thereafter committed rape on her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged commission of offence. The prosecutrix as well as her mother and father have been examined in the trial Court and they have not supported the case of the prosecution and have turned hostile.
4. On the other hand, learned counsel for the State has opposed the bail application. He submits that the allegation being serious in nature, the applicant may not be granted bail.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the prosecutrix and her mother and father have already been examined by prosecution and also taking into consideration the submission that the prosecutrix has not stated anything against the applicant in her deposition during trial nor is there any allegation of she being subjected to rape by the applicant, 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