

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7946 of 2016

Shambhoo Singh Uikey S/o Shri Surdayal Gond Aged About 20 Years R/o Village Bhitiyahi Police Station Ramanujganj, District Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Basantpur, District Balrampur, Chhattisgarh.

---- Respondent

Shri Manoj Mishra, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/12/2016

Heard.

The applicant has been arrested in connection with Crime No.14/2016 registered at Police Station – Basantpur, District – Balrampur (CG) for alleged commission of offences under Section 376(2) N of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”).

2. Case of the prosecution is that the applicant committed rape on the prosecutrix who is minor, being 16 years of age.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that the prosecutrix has been examined before the Court and has not supported the case of the prosecution and on the other hand, she has clearly stated that the applicant did not commit any sexual intercourse with her. It is also submitted that there is no evidence of rape in the medical examination report. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and

submits that the applicant is being tried against serious offence and in case of grant of bail, he is likely to flee away from justice and tamper with the prosecution witnesses.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has not supported the case of the prosecution and has stated that the applicant did not commit any sexual intercourse with her and that the medical examination report does not support the allegation of the prosecution and that there is no material to show that in the event of his release, he is likely to flee away from justice, 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