

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8078 of 2016

Mo. Shekh Firoj S/o Mo. Kadar Khan, Aged About 19 Years R/o Near Nirila Clinic, New Santoshipara, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Shri Vipin Tiwari, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 455 of 2016 registered in Police Station- Chhawani Bhilai, District- Durg (C.G.) for the alleged commission of offence under Sections 363, 366 IPC and Sections 11(6), 12 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 also subjected her to sexual harassment. The prosecutrix is stated to a girl minor in age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix has been examined before the Magistrate under Section 164 Cr.P.C. and even according to her statement, no case is made out for commission of offence alleged. Therefore, the applicant may be granted bail.
4. On the other hand, learned counsel for the State has opposed the bail application.

5. Considering the submission made by learned counsel for the parties, taking into consideration the nature of allegation, period of detention and also taking into consideration the submission that in her statement recorded under Section 164 Cr.P.C. before the Magistrate, allegation against the applicant are not prima facie made out, 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