

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8087 of 2016

- Mithun Rajput S/o Late Shri Madhu Singh Aged About 19 Years R/o Village Kopra, Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri P. P. Sahu, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

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

Order On Board

15/12/2016

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.32/2016 registered at Police Station Panduka, District Gariyaband for the offence punishable under Section 376(2)(N), 506(Part-II) of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 21-03-2016.

3. Case of the prosecution is that the applicant kidnapped the prosecutrix and thereafter, it is alleged that rape was committed on her. According to the prosecution, the prosecutrix is minor being less than 18 years of age.

4. Learned counsel for applicant submits that the applicant has been falsely implicated in this case. It is submitted that the prosecutrix has been examined during trial and she has not supported the case of the prosecution nor she has

stated that she was subjected to rape by the applicant. Therefore, at this stage, when the prosecutrix and other important prosecution witnesses have already been examined and they have not supported the case of the prosecution, the applicant is entitled to bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature of allegation, in the event of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix in her Court examination, she has not supported the case of the prosecution and has not whispered any overt act having been committed by the applicant and that other important prosecution witnesses have already been examined and they have also not supported the case of the prosecution, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E