

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8133 of 2016**

Ghurvind Das S/o Mehtar Ram Aged About 32 Years Caste - Satnami, R/o Village - Mahadeo Tikra, Thana - Pathalgaon, District Jashpur, Chhattisgarh Civil And Revenue District Jashpur District Jashpur Chhattisgarh

---- Applicant

**Versus**

State Of Chhattisgarh Through : Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh

---- Respondent

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| For Applicant        | : | Shri Manoj Chauhan, Advocate    |
| For Respondent/State | : | Shri Manish Nigam, Panel Lawyer |

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

**Order On Board**

**19/12/2016**

Heard.

1. The applicant has been arrested in connection with Crime No. 105 of 2016 registered in Police Station- Kunkuri, District- Jashpur (C.G.) for the alleged commission of offence under Sections 363, 366-A, 376 IPC and Sections 3 & 4 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 prosecutrix and other important witnesses of the prosecution have already been examined by the prosecution and the prosecutrix has not supported the case of the prosecution. She has emphatically stated in her deposition that the applicant did nothing to her. Therefore, in view of above, at this stage, the applicant may be granted bail as important witnesses of the prosecution including the prosecutrix have been examined and looking to the evidence on record there are bleak chance of

conviction of the applicant.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that looking the nature of allegation, age of the prosecutrix, the applicant may not be granted bail.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that during trial, the prosecutrix has stated that the applicant did nothing to her and that in the facts and circumstances when the prosecutrix has been examined, there is no likelihood of tampering with important prosecution witnesses, 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