

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8304 of 2016

Arvind Kumar S/o Indrapal Jatav, Aged About 22 Years R/o Village Kyoladiya,
Police Station - Kyoladiya, Tahsil Nawabganj, District Bareilly (Uttar Pradesh).

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pamgarh,
District Janjgir-Champa (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

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

Order On Board

16/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 176 of 2015 registered in Police Station- Pamgarh, District- Janjgir-Champa (C.G.) for the alleged commission of offence under Sections 363, 366, 366-A, 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the prosecutrix was kidnapped by other co-accused Mukesh and thereafter she was taken by Mukesh to Delhi and Gajiyabad where she is alleged to have been subjected to rape by Mukesh. Further allegation is that thereafter, due to misbehavior of Mukesh, the prosecutrix left the company of Mukesh. Thereafter, it is alleged, that the prosecutrix remained in the company of applicant -Arvind and he also subjected her to sexual exploitation and committed rape on her.
3. Learned counsel for the applicant submits that the case prepared by the police is false and fabricated because the prosecutrix in her statement under Section

164 Cr.P.C. before the Magistrate has not at all involved applicant-Arvind anywhere and allegation of committing rape are only against co-accused Mukesh with whom she had run away from her parental village and went to Delhi and Gajiyabad. Therefore, the applicant may be granted bail as the investigation is complete and charge sheet has been filed and there is no likelihood of applicant tampering with prosecution witnesses or absconding.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that in the FIR as well as in the diary statement, there are allegation against the present applicant also that after the prosecutrix left company of co-accused Mukesh and started residing with present applicant, there also, the prosecutrix was subjected to rape by the present applicant.
5. Considering the submissions made by learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that in the statement under Section 164 Cr.P.C. of the prosecutrix recorded before the Magistrate, there is no allegation against the present applicant and that investigation is complete, charge sheet has also been filed and that the applicant is not likely to abscond or tamper with 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