

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2519 of 2016

Somar Sai S/o Amar Sai Pando, aged about 32 yearas, R/o village Phulchuhi,
Thana Udaypur, District Surguja, Chhattisgarh.

---- Applicant

versus

State of Chhattisgarh, Through Police Station Udaypur, District Surguja,
Chhattisgarh.

---- Non-Applicant

For Applicant : Shri V.K.Pandey, Advocate.

For Non-Applicant : Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

01/06/2016

1. The applicant has been arrested on 06.10.2015 in connection with Crime No. 108 of 2015 registered at Police Station, Udaypur, District Surguja, for the alleged commission of offences under Sections 363, 366, 376(2)(ॢ) of the Indian Penal Code and Sections 5(ॢ) and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecution whi is said to be a minor aged 15 years being the applicant's sister-in-law.
3. Learned counsel for the applicant submits that he has been falsely implicated. The prosecutrix has been examined the Court and she has completely denied any crime having committed against her including the allegation of rape. He submits that in view of the statement of the prosecutrix, there is no likelihood of the applicant being convicted. The applicant is in jail since 06.10.2015, therefore, in these circumstances, he may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that the looking to the gravity of the offence and the age of the prosecutrix as also the medical report which shows that the prosecutrix was habitual of sexual intercourse, the applicant is not entitled to be released on bail.

5. Having heard learned counsel for the parties, taking into consideration the totality of the circumstances, particularly the submission of learned counsel for the applicant that most of the material witnesses including the prosecutrix have already been examined in the trial and the prosecutrix has also not supported the case of the prosecution and turned hostile. She has denied any sexual sexual intercourse having committed upon her by the applicant and that the applicant is in jail since 06.10.2015, the application is allowed.

6. It is directed that the applicant shall be released on bail on furnishing a personal bond of Rs. 25,000/- alongwith two local sureties for the like amount to the satisfaction of the trial court. He shall appear before the Court below 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)
Vacation Judge