

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2552 of 2016**

Rajkumar Singh @ Chhotu, S/o Shri Jaimangal Singh,
aged about 20 years, R/o Bharat Mata Chowk, Krishna
Nagar Ward No.4, Supela, Police Station Supela, District
Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: Station House Officer,
Police Station : Supela, District : Durg (C.G.)

-----Non-applicant

For Applicant:	Mr. C.K. Sahu, Advocate.
For Non-applicant/State:	Mr. Anil S. Pandey, Dy. Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****02/06/2016**

Heard.

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 55/2015 registered at Police Station Supela, District: Durg (C.G.) for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 3/4 of Protection of Children from Sexual Offence Act, 2012.

(2) Case of the prosecution, in brief, is applicant kidnapped the minor prosecutrix and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the offence in question as he has nothing to do with the same. He further submits that the prosecutrix has been examined by the trial Court and she has not supported the case of the prosecution and has stated that she had gone with the applicant voluntarily and both have performed marriage in the temple and they lived together as husband & wife. It is further submitted that prosecutrix, in her statement, has not stated anything regarding any sexual intercourse committed by the applicant with her. He also submits that the allegation of commission of offence under Sections 363 & 366 IPC is concerned is not at all made out against the applicant and, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, counsel for the State opposes the prayer for grant of bail and submit that as the prosecutrix was less than 18 years of age, commission of offence under Section 376IPC is prima facie made out against the applicant and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case, particularly taking into consideration the statement of prosecutrix, in which, she has not supported the case of the prosecution and has turned hostile and the fact that applicant is languishing in jail since 01.02.2016, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one

surety in the like sum to the satisfaction of the trial Court. He is directed to 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)
Vacation Judge

D/-