

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 37 of 2016

Mangal Singh Kachhi S/o Jagdish Kachhi Aged About 22 Years R/o Navadih Chowk, House Of Gupta, Seepat, Police Station : Seepat, District : Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station : Akaltara, District : Janjgir - Champa Chhattisgarh

---- Respondent

For applicant - Shri P.K. Patel, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 263/2015 registered in Police Station Akaltara, District Janjgir-Champa (C.G.) for offence punishable under section 363, 366 (F), 376 of Indian Penal Code and under Section 6 of Protection of Children from Sexual Offences Act 2012.
2. As per the prosecution case on 27/09/2015 the applicant took away the prosecutrix who was minor and thereafter kept in his house and committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case as under Section 164 of Cr.P.C. she has not supported the case of the prosecution and since maternal uncle scolded her, therefore she left the house of her own and stayed along with the applicant and want to stay along with him, therefore no allegation of rape is made out and the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement of the victim under Section 164 of Cr.P.C. wherein she has not supported the case of prosecution. Taking in to such statement, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE