

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1641 of 2016

Prahlad Verma S/o Shri Bhagirathi Verma Aged About 26 Years R/o Village Khopli, Chowki Machaandur, Police Station Utai, Tehsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Utai, District Durg, Chhattisgarh.

---- Respondent

For applicant - Shri Siddharth Rathod, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/06/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 429/2015 registered in Police Station Utai, District Durg (C.G.) for offence punishable under sections 363, 366A, 376D, 506, 34 of Indian Penal Code and Section 4 of the POCSO (Prevention of Children from Sexual Offences Act 2012).
2. As per the prosecution case on 25/12/2015 the victim who is a minor was allured by the applicant and the other co-accused Kanhaiya and thereafter while she was roaming around, the other co-accused Kanhaiya committed forceful sexual intercourse with her. Thereby the offence is committed.
3. Learned counsel for the applicant submits that no allegation of rape has been attributed against this applicant and only allegation have been stated that initially the applicant was with the other co-accused Kanhaiya, therefore applicant has been falsely implicated in the case. He submits that on the earlier occasion the victim has also made false allegation

against one Sanjay according to the copy of the charge sheet which is filed of Crime No.223/2015 and therefore the victim is habitual in raising such false allegation. Therefore, learned counsel submits that 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/prosecutrix wherein main allegation of rape has been attributed to other co-accused Kanhaiya. Taking into statement of the victim under Section 161 and 164 of Cr.P.C. wherein the victim still has not recognised the applicant, 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