

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2687 OF 2016

Shekhar Verma, S/o Krishna Kumar Verma, aged about 20 years, R/o Village Aalesur, Police Station Kharora, Civil & Revenue District, Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station-Suhela, Civil & Revenue District- Balodabazar-Bhatapara (C.G.)

... Non-applicant

For Applicant	:	Mr. Santosh Kumar Verma, under instructions of Mr. J.R. Verma, Advocate.
For Non-applicant/State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 21.11.2015 in connection with Crime No. 146/2015 registered at Police Station- Suhela, District Balodabazar-Bhatapara, for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution, the Applicant is said to have committed the offence of rape on the prosecutrix in the night of 18.11.2015 on which an FIR was lodged on 20.11.2015 and the Applicant was arrested on 21.11.2015.
3. Learned Counsel for Applicant submits that the prosecutrix is aged more than 17 years of age and that her statement was recorded before the Trial Court where she has not supported the case of the prosecution and even other witness i.e., the mother of the prosecutrix has also turned

hostile and has not supported the case of the prosecution. Therefore, the possibility of conviction of the Applicant is very less and hence he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that admittedly the prosecutrix was a minor on the date of incident and therefore at this juncture the applicant may not be released on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking into note the deposition of the prosecutrix and other witnesses, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
V. Judge