

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7506 of 2016

Bharat Tumre @ Bhau S/o Ram Bhau Tumre Aged About 23 Years R/o -
Jawahar Nagar Behind Sharab Bhatti Bambey Awash Police Station Jamul
Bhilai Tehsil And District Durg, Civil And Revenue District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Jamul, District - Durg
Chhattisgarh

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2016

Heard.

1. The applicant has been arrested on 6.10.2016 in connection with Crime No. 325 of 2016 registered in Police Station- Jamul, District-Durg (C.G.) for the alleged commission of offence under Sections 363, 366 & 376 IPC and Sections 5 (1), 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter raped a minor girl, the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged commission of offence and he has not committed rape. He submits that even according to the statement of the prosecutrix recorded under Section 164 Cr.P.C., she has stated that she and the applicant were in affair. They went to Dongargarh on 30th June, 2016 and performed marriage in the temple and thereafter they went to Nagpur and started working and finally came back to Dongargarh on 26.7.2016 and again married in the

Court and again went back to Nagpur. He further submits that in her statement, the prosecutrix has stated that the applicant did not do anything with her. Therefore, the allegation are false and fabricated. The diary statement of important witnesses have also been recorded by the police. The prosecutrix statement has also been recorded by the Magistrate and relevant records relating to age of the prosecutrix have also been collected by the police and therefore at this advance stage of investigation, further custodial interrogation of the applicant is not necessary.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that at present, investigation is still going on and at this stage, if the applicant is released, he may hamper with the investigation.
5. Though the charge sheet in the case has not been filed, looking to the nature of allegation, particularly taking into consideration the fact that the prosecutrix's statement under Section 164 Cr.P.C has already been recorded before the Magistrate and the diary statements of important prosecution witnesses have also been recorded by the police and there is nothing to show that further custodial interrogation is necessary or that the applicant is likely to abscond or tamper with the prosecution witnesses or in any manner interfere with the investigation, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall 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**)
Judge