

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7484 of 2016**

- Santosh Chauhan S/o Neelkanth Chauhan Aged About 21 Years R/o Bendrapara, Police Station Baramkela, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Baramkela, District Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Vivek Tripathi, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/11/2016**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.53/2016 registered at Police Station Baramkela, District Raigarh for the offence punishable under Section 363, 366, 376 of IPC and Section 4, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 14-07-2016.

3. Case of the prosecution is that the applicant kidnapped and committed rape on the prosecutrix, who is about 15 years of age.

4. Learned counsel for applicant submits that the allegations against the applicant are false and fabricated. Learned counsel for the applicant next submitted that the prosecutrix has been examined in the trial Court and she has not supported the case of the prosecution and has turned hostile. It is lastly submitted that the prosecutrix in her statement, nothing has been stated against

the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that some more prosecution witnesses are yet to be examined and taking into consideration the nature and gravity of allegation, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has been examined by the trial Court and further taking into consideration the submission of learned counsel for the applicant that the prosecutrix has turned hostile and she has stated nothing incriminating against the applicant, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E