

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7679 of 2016

- Devsay Pando S/o Mangalsay Aged About 56 Years R/o Village Lai, Police Station Podi, District Korea Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Of Police Station - Baikunthpur, District - Korea Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

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

Order On Board

05/12/2016

1. The applicant has been arrested in connection with Crime No. 61 of 2016 registered in Police Station- Baikuntpur, District- Korea (C.G.) for the alleged commission of offence under Sections 363, 366, 368, 376, 376 (ॢ) (ॢ) of the IPC and Sections 4, 5 (ॢ) (ॢ) 6, 17, 19 & 21 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the prosecutrix was kidnapped and subjected to rape by co-accused Santlal, allegation against the applicant is that the applicant was also involved in kidnapping the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence and the prosecutrix, in her statement under Section 164 Cr.P.C. recorded by the Magistrate, has not been involved the applicant at all, investigation is complete and charge-sheet has already been, therefore, custodial interrogation is not required, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that looking to the nature and gravity of the commission of offence and his involvement, reflected from FIR and case diary statement, applicant's bail application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly, the submission based on the contents of 164 Cr.P.C. statement of the prosecution that in her statement recorded before the Magistrate, the prosecutrix has not at all involved the applicant in the alleged commission of offence, the allegation is only on the co-accused Santlal, 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