

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7834 of 2016

Sunil @ Liting S/o Gunjan Aged About 22 Years R/o Dhara Nagar, Police Station Shankargarh, District Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

05/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No.123 of 2014 registered in Police Station- Shankargarh, District -Balrampur-Ramanujganj (C.G.) for the alleged commission of offence under Sections 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in a trivial incident by exaggerating the allegation. He submits that the prosecutrix has been examined in the Court and she stated is that she was abused by the applicant and there is no allegation of she having either been kidnapped or subjected to sexual intercourse.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature of allegation and other prosecution witnesses are yet to be examined, the applicant is not entitled to grant of bail.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the prosecutrix has been examined in the trial Court and that she has not involved the applicant in the alleged commission of offence, 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