

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6272 of 2016

Ajay Das S/o Laxman Das Mahanat Aged About 18 Years R/o Pandripani, Out Post Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of Police Station - Urga, District Korba Chhattisgarh

---- Respondent

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

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

Order On Board

17/10/2016

Heard.

1. The applicant is arrested in connection with Crime No. 147 of 2016 registered in Police Station- Urga, District- Korba, for the alleged commission of offence under Sections 363, 366 IPC, Sections 3 (2) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short "*the Act of 1989*") and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "*the Act of 2012*").
2. Case of the prosecution, in brief, is that the applicant enticed and kidnapped the prosecutrix. As the prosecutrix belongs to scheduled tribe, the prosecutrix has also alleged commission of offence under Section 3 (2) (v) of the Act of 1989 as also Section 12 of the Act of 2012.
3. Learned counsel for the applicant submits that though there is allegation of the applicant taking away the prosecutrix, even according to the prosecutrix, there is no allegation of applicant committing any sexual intercourse with the

prosecutrix. He submits that as the investigation is complete, charge sheet has been filed and the applicant, a young boy, is not likely to tamper with the prosecution witnesses or in any manner hamper the trial of the case, he may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submitted that according to the prosecution, the age of the prosecutrix is stated to be 16 years, therefore, even if it were to be a case of consent, it would not help the applicant and the offence are prima facie made out
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the prosecutrix has also been recovered and there are no allegations of the prosecutrix that she was subjected to any rape and that investigation is over, charge sheet has been filed and considering the submission that the applicant is not likely to abscond, 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (ii) that 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