

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6711 of 2016

Naveen Agrawal S/o Shri Radheshyam Agrawal, Aged About 25 Years R/o Near Agrawal Kirana Stores, Shivanand Nagar Gudhiyari, Thana Khamtarai, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jamul, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Akhilesh Kumar, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

02/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 290 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 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix, a minor, and committed rape on her.
3. Learned counsel for the applicant submits that the allegation against the applicant are fabricated and afterthought. The prosecutrix in her statement under Section 164 Cr.P.C. has stated that she had gone along with the applicant on her insistence only on pilgrimage to Shirdi and no sexual intercourse was committed by the applicant. He submits that as the investigation is complete and charge sheet has been filed, the applicant may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.
4. On the other hand, learned counsel for the State has opposed the bail

application. He submits that as prima facie age of the prosecutrix appears to be around 16 years, the consent, if any, is immaterial and she has also been subjected to medical examination.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the prosecutrix's statement under Section 164 Cr.P.C. and the medical report and further taking into consideration that the investigation is complete charge sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, 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