

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6958 of 2016

- Arun S/o Shri Sudama Rajak Aged About 24 Years R/o Village Rajbandha Police Station Ramanujganj, District Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ramanujganj, District Balrampur, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Soniya Kuldeep, Advocate
For Respondent/State	:	Mr. D. R. Minj, Dy. Govt. Advocate

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

Order On Board

15/11/2016

Heard.

1. The applicant has been arrested on 07.06.2015 in connection with Crime No. 70 of 2015, registered in Police Station- Ramanjugaj, District- Balrampur (C.G.) for the alleged commission of offence under Sections 376 & 506 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix, who is minor in age.
3. Learned counsel for the applicant submits that the most material witness, namely, the prosecutrix herself has been examined and she has not supported the case of the prosecution and has denied having been committed rape on her. It is also submitted that the another most material witness, namely, mother of the prosecutrix and two other prosecution witnesses have been examined, but they have also not supported the case of the prosecution, therefore, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application by submitting that the applicant is being tried for alleged

commission of heinous offence and his release may adversely effect the fair trial and the applicant may abscond also.

5. Taking into consideration that the prosecutrix has already been examined by the Court and further taking into consideration the submission that the most material witnesses including the prosecutrix have already been examined and considering the submission that the prosecutrix has not supported the case of the prosecution and has denied having being subjected to any sexual intercourse and that there is nothing to show that the applicant is 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) 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