

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7163 of 2016

Mohd. Rizwan S/o Abdul Rafique Aged About 23 Years R/o At Abdul Kalam Ward
Jagdalpur Police Station Bodhghat Revenue & Civil District Bastar Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : The Police Station Kotwali, District Bastar
Chhattisgarh

---- Respondent

Shri Pravin Kumar Tulsyan, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/11/2016

Heard.

The applicant has been arrested on 29/09/2016 in connection with Crime No.188/2014 registered at Kotwali, District - Bastar (CG) for alleged commission of offences under Section 342, 363, 366, 376 of IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the prosecutrix was kidnapped by the applicant and other co-accused and it is alleged that the co-accused-Imran committed rape on the prosecutrix.

3. Learned counsel for the applicant submits that applicant has been falsely implicated. He further submits that the prosecutrix has not even named the applicant in her statement under Section 164 CrPC. Therefore, it is a case of false implication. He submits that investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that

looking to the nature of offence, aged of the prosecutrix and that she was kidnapped and raped, the applicant is not entitled to grant of bai.

5. Taking into consideration the totality of circumstances, statement of the prosecutrix recorded before the Magistrate under Section 164 CrPC and submission of learned counsel for the applicant that the prosecutrix has not even named the applicant in her statement under Section 164 CrPC and that investigation is complete, charge sheet has been filed, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. 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 Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge