

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7618 of 2016

Digambar Bareth S/o Bhojram Bareth Aged About 26 Years R/o Village Parsakhurd, Post Temar, Police Station Sakti, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police Station Kharsiya, Civil & Revenue District - Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Kumar Jaiswal, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

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

Order On Board

29/11/2016

Heard.

1. The applicant has been arrested in connection with Crime No. 246 of 2016 registered in Police Station- Kharsiya, District- Raigarh (C.G.) for the alleged commission of offence under Section 376 IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the allegation of commission of offence under Section 376 IPC are false and fabricated. The prosecutrix has been examined under Section 164 Cr.PC., wherein she has stated that nothing had happened between them and it also shows that the prosecutrix and the applicant were in affair and had decided to marry as soon as the prosecutrix becomes major.
3. On the other hand, learned counsel for the State has opposed the bail application. He submits that according to FIR and diary statement, there are allegation of commission of offence under Section 376 IPC also. Therefore,

looking to nature and gravity of offence, the applicant is not entitled to be released.

4. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein she has stated that nothing happened between them and further taking into consideration that the investigation is complete charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.
5. 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