

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 231 of 2017

Bhavesh Majumdar S/o Late Vimal Kant Majumdar, Aged About 21 Years Caste- Kayasth, R/o Village- Gangapur, Police Station- Jaynagar, District- Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Bhatgaon, District- Surajpur Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sunil Tripathi, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

23/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No.87 of 2016 registered in Police Station- Bhatgaon, District -Surajpur (C.G.) for the alleged commission of offence under Sections 363, 366A, 376, 420 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 kidnapped and thereafter committed rape on the prosecutrix who is stated to be less than 18 years of age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged commission of offence on suspicion of the father of the prosecutrix. It is submitted that the prosecutrix in her statement under Section 164 Cr.P.C. recorded before the Magistrate has not involved the applicant anywhere much less any allegation of she having been either kidnapped or

subjected to rape. Therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that as the allegations are serious, the prosecutrix being minor and yet to be examined, the applicant is not entitled for grant of bail.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix in her statement under Section 164 Cr.P.C. has not involved the applicant nor levelled any allegation of kidnapping or rape and that investigation is complete and charge sheet has been filed and that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to allow the application.
6. The application is accordingly 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 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