

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.332 of 2017

- Paretan S/o Kanglu Sahu, Aged About 45 Years R/o Village- Bhendarwani, Police Station- Saja, District- Bemetara Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saja, Civil And Revenue District- Bemetara Chhattisgarh.

---- Respondent

For Petitioner	:	Shri J. R. Verma, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/01/2017

Heard.

2. The applicant has been arrested on 21/10/2016 in connection with Crime No.231/2016 registered at Police Station- Saja, District - Bemetara (CG) for alleged commission of offences under Section 450 376, 506-II, 313 r/w Section 34 of IPC and Section 3, 4, 5-A (11) and 6 of the Protection of Children from Sexual Offences Act 2012.

3. Case of the prosecution is that the co-accused –Kushal repeatedly committed rape on the prosecutrix, who is minor in age.

4. Learned counsel for the applicant submits that the prosecutrix, in her statement under Section 164 CrPC before the Magistrate, has not at all implicated the applicant and has not even been named. Therefore, it is a case of false implication and the allegations are only against the co-accused–Kushal. It is submitted that as the investigation is complete, charge sheet has been filed, the applicant is not likely to abscond or tamper with the prosecution witnesses, he may be granted bail.

5. On the other hand, learned State counsel opposes prayer and submits that looking to the nature and gravity of allegations and role alleged to have been played by the applicant as contained in the FIR and statement of the prosecutrix under Section 161 CrPC, the applicant is not entitled to grant of bail.

6. Taking into consideration the submission of learned counsel for the parties, totality of circumstances, particularly taking into consideration that in the statement under Section 164 Cr.P.C, prosecutrix has not even named the applicant and that investigation is complete, charge sheet has been filed, he is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. 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