

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.862 of 2017

- Kaanu @ Kanhu Bagh S/o Udaya, Aged About 21 Years Permanent R/o Tikrapara, Titlagarh, Thana Titlagarh District Balangir, Odisha, Presently Resided At Utkal Nagar, Odiya Basti, Durg Thana Durg, Tehsil And District Durg Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Shokie Yadav, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.266/2016 registered at Police Station Durg, District Durg for the offence punishable under Section 363, 366 & 376 of IPC and Section 5 (L) & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix, who is less than 18 years of age.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is submitted that the prosecutrix has been examined in the Court and she has clearly stated that she does not recognize the applicant and she has denied that any offence was committed against her and she has also stated that she does not even know the connection, with which, she was brought before the Court. It is lastly submitted that in view of the

statement of the prosecutrix before the Court, the applicant has no role to play in the alleged offence, therefore, he may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature and gravity of offence and the fact that many other prosecution witnesses are yet to be examined, therefore, at this stage, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has turned hostile and even refused to recognize the applicant in the Court and that the applicant is in jail since 08-04-2016 and that the trial is not likely to be concluded early, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(Manindra Mohan Shrivastava)

J U D G E