

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.955 of 2017

- Jay Kumar Tandan S/o Sukh Das Tandan Aged About 22 Years R/o Village Amera, Police Station Palari, District Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Arang, District Raipur, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Yogesh Chandra, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/02/2017

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.353/2016 registered at Police Station Arang, Raipur, District Raipur for the offence punishable under Section 363, 366 & 376 of IPC and Section 4 & 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.

4. Learned counsel for the applicant submits that he has been falsely implicated in this case because the prosecutrix and the applicant had an affair. He submits that the prosecutrix in her statement under Section 164 Cr.P.C. recorded before the Magistrate, has clearly stated that it was the prosecutrix, who was insisting the applicant to go along with her, otherwise, she threatened to commit suicide and upon her insistence, the applicant had taken the prosecutrix to Kolkata and thereafter came back. It is stated by the prosecutrix

in her statement that no physical contact had taken place between the applicant and the prosecutrix.

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 allegation and the age of girl, the application for grant of bail may be rejected.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C. before the Magistrate and submission of learned counsel for the applicant that the applicant was pressurized by the prosecutrix to run along with her and she has not made any allegation of rape against the applicant and further 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.

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)

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