

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5519 of 2017

- Ku. Shitla @ Nanka Dhuri D/o Satiram Dhuri, Aged About 22 Years R/o Fadhakhar Road, Near Kormi Turn, Sirgitti, P. S. Sirgitti, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Sirgitti, District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Akhtar Hussain, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/11/2017

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.08/2017 registered at Police Station Sirgitti, District Bilaspur for the offence punishable under Section 363, 377 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant committed unnatural act with the prosecutrix, who is less than 18 years of age.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated and he has not committed any such offence. He further submits that the prosecutrix was a closed friend of the applicant and both of them had gone outside for earning livelihood and there were healthy relations between them. He lastly submits that in the statement recorded under Section 164 Cr.P.C., the prosecutrix has not made any such allegation as is contained in the FIR.

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, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the investigation is complete, charge sheet has been filed and in the statement recorded under Section 164 Cr.P.C., the prosecutrix has stated that the applicant has not committed offence under Section 377 of IPC and further that the applicant 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 ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that she shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E