

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5464 of 2017

Manoj Paswan S/o Deemal Paswan, Aged About 23 Years R/o Village Tiseebar Masuriya Tikar P.S. Pandu, District Pandu (Bihar) Present Address At Village Gorkha P.S. Kotara Road Raigarh, Tahsil And District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kotara Road Raigarh, Tah. & Distt. Raigarh, Chhattisgarh

---- Respondent

Shri Vineet Kumar Pandey, counsel for the applicant/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/11/2017

Heard.

The applicant has been arrested in connection with Crime No.226/2016 registered at Police Station – Kotara Road, Raigarh, Tah. and District – Raigarh (CG) for alleged commission of offences under Section 363, 366 of IPC and under Section 6 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix who is his niece and minor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix has been examined in the Court and she has stated that nothing has happened to her and that she has not been subjected to rape.
4. On the other hand, learned State counsel opposes bail application and submits that the trial has not been completed and in view of nature and gravity of allegations against the applicant, the applicant may not be granted bail.

5. Having considered submission of learned counsel for the parties, particularly considering that the prosecutrix has already been examined and not supported the case of the prosecution, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties 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