

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5549 of 2017

Om Prakash S/o Indraman Dhritlahre, Aged About 22 Years R/o Village:
Mohtra, Police Station: Saja, District Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Bakarkatta, District
Rajnandgaon, Chhattisgarh.

---- Respondent

Ms. Nandkumari Kashyap, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/11/2017

Heard.

The applicant has been arrested in connection with Crime No.01/2016 registered at Police Station – Bakarkatta, District – Rajnandgaon (CG) for alleged commission of offences under Section 363, 366, 376 (2) (J) (N) of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix who is minor in age.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The applicant never committed any offence against the prosecutrix though the prosecutrix along with applicant and other residents of village had gone to other place to earn livelihood as labour. It is further submitted that the prosecutrix has been examined during trial and not supported the case of the prosecution and has clearly stated that the applicant did not do anything wrong to her. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and

submits that looking to the nature and gravity of the allegations, age of the prosecutrix and that trial is not complete, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly that the prosecutrix has been examined during trial and has not supported the case of the prosecution and stated that the applicant did not do anything wrong to her and also considering that the applicant is in jail since 22/10/2016, the applicant is not likely to abscond or tamper with the prosecution witnesses, 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