

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6149 of 2017

S. Shiva @ Shivaraj S/o S. Sevi Aged About 22 Years R/o Behind Jain Temple Madrashi Mohalla Govinda Chowk Ruabandha Basti Police Station Bhilainagar District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Bhilai Nagar, District Durg Chhattisgarh (As Per Charge Sheet)

---- Respondent

Shri Sanjay Kumar Agrawal, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2017

Heard.

The applicant has been arrested in connection with Crime No.236/2016 registered at Police Station – Bhilai Nagar, District - Durg (CG) for alleged commission of offences under Section 294, 506, 376, 323, 363, 366 of IPC and under Section 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant caught hold of the prosecutrix and committed rape on her.

3. Learned counsel for the applicant submits that a false allegation has been levelled against the applicant though he has not committed any offence as alleged by the prosecutrix. He further submits that the prosecutrix and her mother and father have been examined and the prosecutrix has not supported the case of the prosecution except saying that the applicant used to tease her.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the nature and gravity of allegations and that trial is not

complete, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, taking into consideration that the applicant is in jail since 10/04/2016 and further taking into consideration the submission of learned counsel for the applicant that the prosecutrix has not supported the story of the prosecution of having committed offence under Section 376 IPC and the only allegation is that she used to be teased by the applicant while going to school, 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