

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7193 of 2017

- Mohit Kumar Nirmalkar S/o Dilip Kumar Nirmalkar Aged About 19 Years R/o Ambedkar Chowk, Balaji Nagar, Zone - 2, Sector - 11, Khursipar, Bhilai District Durg Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khursipar, Bhilai, District Durg Chhattisgarh

---- Respondent

For Petitioner	:	Shri BP Singh, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2017

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.292/2016 registered at Police Station Khursipar, Bhilai, District Durg for the offence punishable under Section 363, 366(Ka), 376 of IPC and Section 9(12), 10 of Protection of Children from Sexual Offences Act, 2012.

3. This is second application for grant of bail. First bail application was dismissed as withdrawn.

4. Learned counsel for the applicant submitted that the applicant has preferred this application mainly on the ground that the prosecutrix has now been examined before the trial Court, in which, she has clearly admitted that the applicant has not committed rape on her.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to nature of allegation against the applicant, he is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has been examined during trial, by which, case of commission of offence under Section 376 of IPC is not made out against the applicant, 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 he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(Manindra Mohan Shrivastava)

J U D G E