

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7028 of 2017

Santosh Chandra @ Chotu S/o Late Shri Hemlal Chandra, Aged About 22 Years R/o Budhwari Bajrang Chowk, Near Ganesh Pandal, Out Post C S E B, P. S. Kotwali, Tehsil Korba, Revenue & Civil District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P. S. Kotwali, (Police Out Post Rampur) Revenue & Civil District Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri Surfaraj Khan, Advocate
For Respondent/State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.502 of 2017 registered at Police Station- Kotwali (Police Outpost-Rampur), District Korba (C.G.) for the alleged commission of offence under Section 363, 366(A), 368, 376/34 of IPC and Section 4 of the Protection of Children From sexual Offences Act, 2012.
2. Case of the prosecution is that the prosecutrix a minor was kidnapped and subjected to rape.
3. Learned counsel for the applicant would submit that even as per 164 Cr.P.C. statement of the prosecutrix, she had an affair with Ajay and the allegation against the applicant is that the applicant had gone to Kharsiya along with Ajay and prosecutrix. He would further submit that thereafter the applicant did not accompany and Ajay had gone to different places along with the

prosecutrix and the allegation of having committed rape is at Delhi where the applicant did not accompany. He further submits that investigation is complete, charge-sheet has been filed, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes the prayer and submits that the statement of the prosecutrix clearly shows that when the prosecutrix was kidnapped from her house and taken to Kharsiya, the applicant was also present there along with main accused Ajay and therefore, even though applicant may not have accompanied, Ajay who had gone to different places up to Delhi along with prosecutrix where alleged rape have been committed, the applicant's involvement cannot be denied, therefore, the applicant may not be granted bail.
5. Having considered the submission of learned counsel for the parties, particularly taking into consideration the role alleged against the applicant and that the allegation of rape is not against the applicant but co-accused Ajay at Delhi where the applicant was not present, investigation is complete, charge-sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on his 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 concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge