

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7056 of 2017

Nammu Joshi @ Rocky @ Golu S/o Shri Santuram Joshi, Aged About 20 Years
R/o Singarbhata, Police Station Abhanpur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Rakhi,
Raipur, District Raipur Chhattisgarh.

---- Respondent

Smt. Fouzia Mirza, counsel for the applicant/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

The applicant has been arrested in connection with Crime No.82/2017 registered at Police Station – Rakhi, Raipur, Distt. - Raipur(CG) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 4 of the POCSO Act.

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

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the prosecutrix and her father, both have been examined and turned hostile. It is further submitted that the prosecutrix has not supported any allegation of kidnapping or even commission of rape on her. It is submitted that even the father of the prosecutrix has not supported the case of the prosecution and the medical report does not indicate any sexual intercourse.

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, particularly considering that the prosecutrix and her father have been examined and the submission that the prosecutrix has not supported the case of the prosecution, turned hostile and not made allegations of sexual intercourse, 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