

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8311 of 2016

Mohd. Shamsheer @ Raj S/o Noor Mohammed Aged About 21 Years R/o. B - 22 / 228 Bhangipara, Thana - Ravindranagar, Civil & Revenue District - South - 24 Pargana (W. B.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Supela, Civil & Revenue District - Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Sumit Shrivastava, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

02/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No. 460 of 2016 registered in Police Station- Supela, District-Durg (C.G.) for the alleged commission of offence under Sections 363, 366 & 376 IPC and Section 4 & 5 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter committed rape on the prosecutrix stated to be a minor in age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that the important prosecution witnesses including the prosecutrix and her father and mother have been examined and the prosecutrix in her statement before the Court has not supported the case of the prosecution and has denied suggestion that she was kidnapped and was subjected to rape by the applicant. Therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that looking to the nature and gravity of allegation and that all the prosecution witnesses have already been examined, at this stage, if the applicant is released, it may adversely affect the trial.
5. Considering the submissions made by learned counsel for the parties, taking into consideration that the most important prosecution witnesses like the prosecutrix herself and her parents have already been examined and further taking into consideration the submission that the prosecutrix has turned hostile and has not made any complaint against the applicant and had denied suggestion of she having been kidnapped or subjected to rape by the applicant, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety 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