

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8418 of 2016

- Amit Das S/o Shri Naihar Das, Aged About 21 Years R/o Village Manja, Police Station & Tahsil Batouli, District Surguja, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Surguja, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri R. R. Soni, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

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

Order On Board

02/01/2017

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.122/2016 registered at Police Station Darima, District Surguja for the offence punishable under Section 363, 366, 376 of IPC and Section 5(ॢ)/6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter, committed rape on the prosecutrix.

4. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated as the prosecutrix in her statement recorded under Section 164 Cr.P.C. before the Magistrate, has not made any allegation of sexual intercourse by the applicant, therefore, at this stage, when investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, the applicant may be enlarged on bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature and gravity of allegation against the applicant, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C., in which, she has not stated regarding sexual intercourse committed on her by the applicant and the only allegation is of she having eloped with the applicant and the fact that 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.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(**Manindra Mohan Shrivastava**)

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