

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8506 of 2016

Parmesh @ Pramesh Kanwar S/o Ramji Kanwar, Aged About 20 Years R/o Khattideeh, Police Station Tumgaon, Civil And Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Palari, Civil And Revenue District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Punit Ruparel, 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.195 of 2016 registered in Police Station- Palari, District -Balodabazar, Bhatapara (C.G.) for the alleged commission of offence under Sections 363, 366 & 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant kidnapped and committed rape on the prosecutrix, stated to be less than 16 years of age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he has done nothing against the prosecutrix. It is submitted that number of important prosecution witnesses including the prosecutrix herself have been examined in the Court and the prosecutrix in her evidence has turned hostile and not supported the case of the prosecution, not

recognized the applicant and stated that applicant has done nothing to her nor she has been subjected to rape.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation and that many other prosecution witnesses are yet to be examined, the applicant may not be granted bail at this stage.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission that number of prosecution witnesses including prosecutrix have already been examined by the prosecution and further submission that the prosecutrix has turned hostile and not supported the case of the prosecution, not recognized the applicant and that nothing happened to her and that there is no material to show that in the event of grant of bail, the applicant is 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.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