

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8517 of 2016

Rakesh Tigga S/o Sonelal, Aged About 23 Years R/o Village - Musra, Police Station Manendragarh, District Koriya Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S. H. O. Police Station - Manendragarh, District Koriya Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri B. Gop Kumar, Dy. A.G.

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.228 of 2016 registered in Police Station- Manendragarh, District -Koriya (C.G.) for the alleged commission of offence under Sections 363, 366, 376(2) (N) of IPC and Section 4, 6 & 10 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, who is less than 18 years of age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he has done nothing to the prosecutrix. It is further submitted that the prosecutrix in her statement under Section 164 Cr.P.C. recorded before the Magistrate, has not involved the applicant in any manner whatsoever and all that she has stated that she used to work in a brick

manufacturing unit with a husband and wife without naming the applicant except this there is no other statement. Therefore, at this stage when the investigation is complete, charge-sheet has been filed and the applicant is not in a position to tamper with the prosecution witnesses or likely to abscond, the applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the age of the prosecutrix and that the applicant is charged of commission of heinous offence, he may not be granted bail.
5. Considering the submissions of learned counsel for the parties, particularly taking into consideration the submission based on prosecutrix statement under Section 164 Cr.P.C. in which she has not made any specific allegation against the applicant and all that she has stated that she used to work in a brick manufacturing unit with a husband and wife without naming the applicant except this there is no other allegation, 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