

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8531 of 2016

Bhakta Puran Badi S/o Madan Sai Badi, Aged About 19 Years R/o Village Inchpara, Police Station Kapu, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Thana In Charge Kapu, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rajendra Tripathi, 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.49 of 2016 registered in Police Station- Thana Incharge Kapu, District Raigarh (C.G.) for the alleged commission of offence under Sections 363, 366, 376 of IPC and Sections 4 & 6 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 submitted that the prosecutrix under Section 164 Cr.P.C. statement has been examined and not supported the case of the prosecution with regard to kidnapping or rape and has turned hostile.

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 in the event of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses.
5. Considering the submissions of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has been examined during trial and she has not supported the case of the prosecution, declared hostile and the applicant has done nothing to her, 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