

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8520 of 2016

Ishwar S/o Brijmohan Kherwar, Aged About 20 Years R/o Village Chirkona
Police Station Balrampur, District Balrampur - Ramanujganj Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through Police Station - Balrampur Ambikapur,
District Balrampur - Ramanujganj Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Yadav, 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.109 of 2015 registered in Police Station- Balrampur, District Balrampur (C.G.) for the alleged commission of offence under Sections 363, 366-A, 376(2), 457, 506 of IPC and Sections 3 & 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, 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 important prosecution witnesses including the prosecutrix herself have been examined and prosecutrix has not involved the applicant and has stated that her father lodged report only on suspicion that she was subjected

to rape by the applicant whereas the applicant has done nothing to her.

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 that the prosecutrix has been examined during trial and she has not supported the case of the prosecution, declared hostile and has stated that only on suspicion, her father lodged the report 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