

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.6169 of 2017**

- Suresh Bargah S/o Jagdhari Bargah Aged About 28 Years R/o Village Samouli, Police Station Jhilmili, District Surajpur Chhattisgarh

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through Station House Office, Police Of Police Station Jhilmili District Surajpur Chhattisgarh

**--- Respondent**

---

|                 |   |                                |
|-----------------|---|--------------------------------|
| For Petitioner  | : | Shri Anil Gulati, Advocate     |
| For Respondents | : | Shri Chandresh Shrivastava, PL |

---

**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**28/11/2017**

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.62/2017 registered at Police Station Jhilmili, District Surajpur for the offence punishable under Section 363, 366, 354, 506(B) of IPC and Section 8, 12 of the Protection of Children from Sexual Offences Act and Section 6 of Stri Rupen Pratished Adhiniyam and Section 67 of Information Technology Act.

3. Case of the prosecution is that the applicant insisted the prosecutrix to marry. It is alleged that the applicant taking undue advantage of affair with the prosecutrix, committed rape on her and also prepared obscene videos.

4. Learned counsel for the applicant submitted that a false case has been prepared against the applicant. He also submits that in the statement of the prosecutrix recorded under Section 164 of Cr.P.C., she has not made any allegation of rape against the present applicant. He next submitted that in this

case, the applicant is in jail since 23-05-2017 and investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that from the statement of the prosecutrix recorded under Section 164 of Cr.P.C., a case of commission of offence under Section 354 of IPC, Section 67 of Information Technology Act and under the provisions of POCSO Act is made out against the applicant.

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 of Cr.P.C. and the submission of learned counsel for the applicant that the prosecutrix has not made out any allegation of commission of offence under Section 376 of IPC against the applicant and other offences are not punishable with life imprisonment, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

It is made clear that any attempt on the part of the applicant to establish contact with the prosecutrix, benefit of bail shall be liable to be cancelled. In such a case, the complainant or the prosecution may apply for cancellation of bail.

SD/-

( **Manindra Mohan Shrivastava**)

**J U D G E**