

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 522 of 2017

Kshama Sahu S/o Madhoram Sahu, Aged About 21 Years Occupation-
Labourer, R/o Village & Post- Bakma, Police Station And Tahsil- Bagbahra,
District- Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Bagbahra, District- Mahasamund Chhattisgarh.

---- Respondent

Shri R.V.Rajwade, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

Heard.

The applicant has been arrested in connection with Crime No.246/2016 registered at Police Station – Bagbahra, District - Mahasamund (CG) for alleged commission of offences under Section 363, 354/34 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped the prosecutrix and it is alleged that attempts were made to outrage her modesty by making indecent proposals.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. Even according to the statement under Section 164 CrPC of the prosecutrix, she and the applicant had an affair and the only allegation against the applicant is that the prosecutrix accepted applicant's offer to have a round with him on motor bike. Except this, no allegation has been made against the applicant.

4. On the other hand, learned State counsel opposes bail application and

submits that looking to the age of the prosecutrix and she was kidnapped by the applicant with intention to outrage her modesty and had extended indecent proposals, prima facie case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly the case diary contents, nature and extent of overt act against the applicant and that the applicant is in jail since 05/11/2016, investigation is complete, charge sheet has been filed and that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. 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 Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge