

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 580 of 2017

Tilakdhari Singh S/o Dalpratap Singh Gond Aged About 20 Years R/o Barhori, Police Station Janakpur, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Janakpur, District Korea, Chhattisgarh.

---- Respondent

Shri Anil Gulati, 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.77/2016 registered at Police Station – Janakpur, District - Korea (CG) for alleged commission of offences under Section 363, 366, 376 (2) (N) of IPC and Section 4, 5, 6, 9, 10 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped and thereafter, committed rape on the prosecutrix who is stated to be less than 18 years of age.

3. Learned counsel for the applicant submits that the prosecution story of kidnapping the prosecutrix is false as the prosecutrix has been examined during trial and she has not stated that the applicant committed any rape on her. Therefore, at the most, offence under Section 363 IPC would be made out. He submits that the applicant is in jail since 08/06/2016 and as the trial has not been completed, at this stage, applicant may be granted bail.

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

submits that looking to the nature of offence which the applicant is alleged to have committed and as the trial is not completed as many more prosecution witnesses are yet to be examined, the applicant is not entitled to grant of bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has already been examined and she has turned hostile in so far as allegations of commission of offence under Section 376 IPC is concerned and further taking into consideration that the applicant is in jail since 08/06/2016, he 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