

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.890 of 2017

- Pintu Korwa S/o Late Sahadan Korwa Aged About 25 Years R/o Kewra Police Station Pratappur, District Surajpur, T.R Raghunathpur, Police Station Lundra, District- Sarguja, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through, S.H.O. Police Station Gandhi Nagar, District- Sarguja, Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/02/2017

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.61/2015 registered at Police Station Gandhinagar, District Surguja for the offence punishable under Section 363, 366(A), 376(2)(n) & 368 of IPC and Section 5(ॢ) & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix.

4. Learned counsel for the applicant submits that the prosecutrix and the applicant had an affair and in order to deter the applicant from maintaining continue relations, a false report was lodged against him. He submits that the prosecutrix and other important prosecution witnesses including parents of the prosecutrix have already been examined and none of them have supported the case of the prosecution. Prosecutrix, it is argued, has turned hostile and has denied that she was subjected to rape by the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature and gravity of allegation and that the trial is not completed, the application for grant of bail may be rejected.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that one of the prosecution witnesses namely the prosecutrix herself has been examined and her parents have been examined and further taking into consideration the submission that the prosecutrix has turned hostile and not supported the case of the prosecution, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(Manindra Mohan Shrivastava)

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