

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 926 of 2017

Shivkumar S/o Somarsay, Aged About 19 Years R/o Village- Thaggaon, Sarpanch Para, Ward No. 6, Khadgawa, District- Korea Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

Shri Anil Gulati, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

Heard.

The applicant has been arrested in connection with Crime No.149/2016 registered at Police Station – Podi, District - Korea (CG) for alleged commission of offences under Section 363, 366, 376, 368 of IPC and Section 4, 17, 21 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant associated the co-accused Sunil in commission of offence when co-accused Sunil stayed in applicant's house.

3. Learned counsel for the applicant submits that the applicant is a young boy. The prosecutrix and co-accused are alleged to have remained in the house of the applicant in presence of his parents and the allegation of rape is against co-accused Sunil and not the applicant. Therefore, at this stage, when investigation is complete, charge sheet has been filed, applicant is not likely to abscond or tamper with the prosecution witnesses, he may be granted bail.

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

submits that though there is no allegation of commission of offence of sexual intercourse by the applicant with the prosecutrix, the fact that the applicant was the friend of the co-accused and the incident happened in the house of the applicant, involvement of the applicant is *prima facie* made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly that there is no allegation of sexual intercourse against the applicant, 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