

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 41 of 2017

Tilak Tigga S/o Shri Ramchandra Aged About 29 Years R/o Village Rampur, Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Lakhanpur, District Sarguja, Chhattisgarh.

---- Respondent

Shri Vivek Kumar Pandey, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/01/2017

Heard.

The applicant has been arrested in connection with Crime No.183/2016 registered at Police Station – Lakhanpur, Distt. - Sarguja (CG) for alleged commission of offences under Section 363, 366, 376, 368 of IPC and Section 5 ँ , 6, 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the prosecutrix, a minor was kidnapped by co-accused – Shankar and it is alleged that she stayed in the house of the applicant, where Shankar committed rape on the prosecutrix.

3. Learned counsel for the applicant submits that even in statement under Section 164 CrPC of the prosecutrix, the prosecutrix has stated that she and Shankar had an affair and the applicant is not involved in commission of sexual intercourse with the girl and merely because, the prosecutrix was also brought to the house of the applicant for sometime, the applicant cannot be said to be involved either in kidnapping or in commission of offence under Section 376 IPC.

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

submits that the prosecutrix was a minor and she has stated that she stayed along with Shankar in the house of the applicant which shows that the applicant is a friend of Shankar and associated him in commission of offence. Therefore, the applicant is fully involved.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of overt act, role played by the applicant and that the allegation of commission of sexual intercourse with the prosecutrix is against co-accused – Shankar, investigation is complete and charge sheet has been filed, 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