

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8619 of 2016

Shabbir Khan @ Shekh Shabbir S/o Late Suleman Aged About 27 Years R/o Sharda Vihar Atal Aawas, Chooki Manikpur Police Station Kotwali District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Nevra District Raipur, Chhattisgarh.

---- Respondent

Shri Amit Kumar, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/01/2017

Heard.

The applicant has been arrested in connection with Crime No.184/2015 registered at Police Station – Nevra, Distt. - Raipur (CG) for alleged commission of offences under Section 363, 366, 493, 376 (2) (N) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”).

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

3. Learned counsel for the applicant submits that the allegation of committing offence of rape against the applicant are fabricated. He submits that though the prosecutrix is minor, she had an affair with the applicant. It is submitted that the prosecutrix has only stated regarding affair with the applicant in her Court statement and there are no allegations of sexual intercourse by the applicant. He further submits that the most important witness of the prosecution, the prosecutrix, has already been examined and the applicant is in jail since

06/08/2015. Therefore, the applicant may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the heinous nature of offence alleged against the applicant and that many other prosecution witnesses are yet to be examined, this application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has already been examined in this case and also taking into consideration that the prosecutrix, in her Court statement, has not stated about sexual intercourse committed by the applicant and that except love affair, no kind of allegations levelled against him 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