

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 52 of 2017

Sanjay Sagar S/o Sakra Jeet Sagar Aged About 22 Years R/o Village Jamdi, Police Station- Basna, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

Shri Ravi Kumar Bhagat, counsel for the applicant/s.
Shri D.R.Minj, Dy.G.A. 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.206/2016 registered at Police Station – Basna, Distt. - Mahasamund (CG) for alleged commission of offences under Section 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix has been examined in the Court and she has not supported the case of the prosecution and she has nowhere stated that she was subjected to any rape. According to her, a dispute had arisen on account of fetching of water from a common water source on which, report was lodged. He further submits that as important prosecution witnesses, including the prosecutrix, has been examined, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the allegations being serious and the prosecutrix being minor in age, the applicant is not entitled to grant of bail at this stage.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the argument that the prosecutrix has turned hostile and has not supported the case of rape and also considering that including the prosecutrix, many other prosecution witnesses have already been examined, 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