

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 247 of 2017

Bhakt Prahlad S/o Shivkumar Dhritlahre, Aged About 18 Years R/o Abhanpur Basti, Police Station- Abhanpur, District- Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Abhanpur, District- Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Shri D.N. Prajapati, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy.Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No.276 of 2016 registered in Police Station- Abhanpur, District -Raipur (C.G.) for the alleged commission of offence under Sections 363, 366 and 376 IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter committed rape on the prosecutrix stated to be less than 18 years of age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix in her statement under Section 164 Cr.PC has stated that nothing was done with her nor any rape was committed on her by the applicant and because of some dispute, she had left the house until she was recovered and kept in the Observation Home. Therefore, the applicant may be

released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that looking to the nature and gravity of allegation, the applicant is not entitled to grant of bail.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the statement under Section 164 Cr.P.C. recorded by the Magistrate wherein the prosecutrix has not involved the applicant in commission of offence alleged and further taking into consideration that the investigation is complete and charge sheet has been filed, I am inclined to allow the application.
6. The application is accordingly 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 concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge