

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.294 of 2017**

- Saroj Kumar Goutam S/o Bholanath Goutam Aged About 34 Years R/o Rajbhawan Colony, Near Kali Mandir, Police Station- City Kotwali, Raipur, Tahsil & District- Raipur, Chhattisgarh.

**---- Petitioner**

**Versus**

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

**---- Respondent**

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|----------------------|---|-----------------------------|
| For Petitioner       | : | Shri V. R. Tiwari, Advocate |
| For Respondent/State | : | Shri D. R. Minz, Dy.GA      |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**24/01/2017**

Heard.

2. The applicant has been arrested on 23-09-2016 in connection with Crime No.255/2016 registered at Police Station-City Kotwali, Raipur, District - Raipur (CG) for alleged commission of offences under Section 376(2) of IPC and Section 4, 5-D, 11(3) and 12 of the Protection of Children from Sexual Offences Act 2012.

3. Case of the prosecution is that the applicant subjected the prosecutrix to rape and unnatural act as also sexual assault.

4. Learned counsel for the applicant submits that the prosecutrix herself has been examined by the Court in camera proceedings and she has completely denied that she was subjected to any act by the applicant. He submits that this only shows that the applicant has been falsely implicated by some vested interest. Therefore, at this stage, the applicant may be granted bail as in view of the statement of the prosecutrix herself, the entire case of the prosecution is completely demolished. He also submits that the mother of the prosecutrix has also been examined and she has not supported the

prosecution case.

5. On the other hand, learned State counsel opposes prayer and submits that looking to the nature and gravity of allegations and age of the girl as also kind of overt act alleged to have been committed by the applicant, the applicant is not entitled to grant of bail at this stage, when trial is not completed.

6. The prosecutrix and her mother both have been examined by the trial Court. Taking into consideration the submission of learned counsel for the applicant that the prosecutrix has completely denied regarding commission of any act on the part of the applicant and even the mother of the prosecution has not supported the prosecution case, at this stage, I am inclined to grant bail to the applicant.

7. 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