

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.323 of 2017

- Ramesh Sarthi S/o Puniram Sarthi, Aged About 20 Years R/o Bhojpur, Police Station- Kapu, District- Raigarh Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Kapu, Civil And Revenue District- Raigarh Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Manoj Kumar Jaiswal, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/01/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.46/2016 registered at Police Station Kapu, District Raigarh for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix, who is less than 18 years of age.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that the prosecutrix in her statement recorded under Section 164 Cr.P.C. before the Magistrate, has clearly stated that nothing happened to her and the applicant has not done anything to her.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature of allegation against the applicant and that the prosecutrix has yet to be examined in the Court, the

applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the prosecutix in her statement under Section 164 Cr.P.C. before the Magistrate has not made any allegation against the applicant and even refused to recognize him and further that challan has already been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

Sd/-

(Manindra Mohan Shrivastava)

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