

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 367 of 2017

Ashok Chauhan S/o Sohit Ram Chauhan Aged About 29 Years R/o Village Bhuiyapani, Lailunga, District Raigarh, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Lailunga, District Raigarh, Chhattisgarh. ---- **Respondent**

For Applicant	:	Shri Ashish Gupta, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

30/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No.301 of 2016 registered in Police Station- Lailunga, District- Raigarh (C.G.) for the alleged commission of offence under Sections 366-A, 376, 506 of IPC and Sections 4 & 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 and thereby committed offence under Sections 366-A, 376, 506 of IPC and Sections 4 & 6 of the POCSO Act, 2012. The prosecutrix is stated to be less than 18 years of age.
3. Learned counsel for the applicant submits that the prosecution has made false allegation against the applicant by exaggerating the allegation only on the ground that the applicant being acquainted with the prosecutrix. He submits that the prosecutrix has examined during trial and she has not supported the case of the prosecution and turned hostile and stated in the Court that the applicant has done nothing to her much less commission of offence of rape or sexual harassment, therefore, at this stage, when the

most important prosecution witnesses has already been examined, the applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation against the applicant and that the trial is still going on and many other prosecution witnesses are yet to be examined, the application may be rejected.
5. Considering the submissions of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has been examined during trial and she has not supported the case of the prosecution, declared hostile and the applicant has done nothing to her, the application is allowed.
6. 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