

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 400 of 2017

Om Kumari Yadav S/o Leeladhar @ Shakha Ram Yadav, Aged About 22 Years R/o Village Nawadih, Junwani Khurd, Police Station & Tahsil Bagbahra, District Mahasamund, Chhattisgarh. ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Patewa, District Mahasamund, Chhattisgarh. ---- **Respondent**

For Applicant	:	Shri Vikash Pradhan, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, 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.147 of 2016 registered in Police Station- Patewa, District- Mahasamund (C.G.) for the alleged commission of offence under Sections 363, 366-A, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant along with co-accused kidnapped the prosecutrix and thereafter, it is alleged that rape was committed on her.
3. Learned counsel for the applicant submits that the main accused of the case namely Deepak Pandey has already been granted bail by this Court taking into consideration the submission that the statement of the prosecutrix recorded under Section 164 Cr.P.C. that she had performed marriage with Deepak Pandey and allegation of commission of rape is against Deepak Pandey only, the applicant may be granted bail.
4. On the other hand, learned counsel for the State has opposed the bail

application for grant of bail.

5. Taking into consideration the submission of learned counsel for the applicant, particularly taking into consideration that the main accused Deepak Pandey, who is alleged to have committed rape on the prosecutrix, has already been granted bail by this Court vide order dated 15.11.2016 passed in MCRC No.7267 of 2016, 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