

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 484 of 2017

Balram Bhardwaj S/o Vijay Bhardwaj, Aged About 20 Years R/o Village Budha Purena, Police Station Dabhara, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer Police Station Dabhara, District Janjgir Champa, Chhattisgarh.

---- Respondent

Shri Dharmesh Shrivastava, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

Heard.

The applicant has been arrested in connection with Crime No.114/2016 registered at Police Station – Dabhara, District – Janjgir - Champa (CG) for alleged commission of offences under Section 363, 366-A, 376 (1) of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

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

3. Learned counsel for the applicant submits that the applicant has been falsely implicated because he had an affair with the prosecutrix and wanted to marry her. He submits that the prosecutrix has been examined and she has turned hostile and not supported the case of the prosecution and also stated before the Court that the applicant did not do anything to her. Thus, no case is made out against the applicant. It is further submitted that the prosecutrix being the most important prosecution witness, has been examined. Therefore, the applicant may be granted

bail.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the gravity of allegations and that investigation is not complete and many more prosecution witnesses are yet to be examined, the applicant may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has already been examined by the Court and has not supported the case of the prosecution and turned hostile and stated that the applicant did nothing to her and that the applicant is in jail since 16/07/2016, he is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. 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