

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 566 of 2017

Amal Sai Beck @ Lattu S/o Bederam, Aged About 19 Years R/o Belsar,
Police Station Shankargarh, Balrampur, District Balrampur Ramanujganj,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Shankargarh, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

Shri CJK Rao, counsel for the applicant/s.
Shri Manish Nigam, 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.66/2015 registered at Police Station – Shakargarh, District – Balrampur - Ramanujganj (CG) for alleged commission of offences under Section 342, 363, 366, 376 (2) (k) (i) of IPC and Section 5 (1), 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 and no alleged act was done with the prosecutrix. It is submitted that the prosecutrix has been examined during trial as one of the prosecution witnesses and she has turned hostile and stated that the applicant did not do anything with her nor she was kidnapped. Therefore, in these circumstances, at this stage, when the prosecutrix has already been examined by the Trial Court, the applicant

may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the nature of allegations and gravity of offence and that many more prosecution witnesses are yet to be examined, it is not a case for grant of bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has now been examined by the Trial Court and turned hostile and stated that the applicant did not kidnap and did nothing to her and that the applicant is not likely to abscond or tamper with the prosecution witness, 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