

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 582 of 2017

Indrapal S/o Shri Shivilal, aged about 21 years, R/o. Sigtapara, Chainpur,
Police Station and Tahsil Manendragarh, District – Korea (CG)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station- Manendragarh, District Korea, Chhattisgarh.

---- Respondent

Shri Anil Gulati, 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.342/2016 registered at Police Station – Manendragarh, District - Korea (CG) for alleged commission of offences under Section 363, 366, 376 (2) (N) of IPC and Section 4, 5, 6, 9, 10 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Case of the prosecution is that the applicant kidnapped the prosecutrix in order to compel her to marry and the prosecutrix being less than 18 years, offence under Section 7, 8 and 17 of the POCSO Act has also been alleged against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. Even according to the Court statement of the prosecutrix under Section 164 CrPC, she had an affair with the applicant and voluntarily went along with the applicant. It is submitted that investigation is complete, charge sheet has been filed, therefore, 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 offence, the applicant is not entitled to grant of bail.

5. Taking into consideration the submission of learned counsel for the parties, nature of overt act and that investigation is complete and charge sheet has been filed, 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