

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.684 of 2017

- Wilsan Ekka S/o Late Manbahal, Aged About 27 Years Occupation Labourer, R/o Village Chainpur, Police Station & Tahsil Sitapur District Sarguja Chhattigarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Sarguja Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Vineet Kumar Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06-02-2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.58/2016 registered at Police Station Sitapur, District Surguja for the offence punishable under Section 363, 366, 376 of IPC and Section 5(᳚) & 6 of the Protection of Children from Sexual Offences Act, 2012.

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

4. Learned counsel for the applicant submits that the applicant has been falsely implicated, because the prosecutrix in her statement recorded under Section 164 Cr.P.C. before the Magistrate, has clearly stated that she does not know applicant and nothing has been done to her by the applicant and her father has lodged a report on the suspicion against the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of

bail on the submission that the investigation is still going on and at this stage, looking to the nature and gravity of allegation against the applicant, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, though the matter is still under investigation, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C. before the Magistrate, in which, she has not made any allegation against the applicant and even refused to recognize him and further that custodial interrogation of the applicant does not appear to be necessary and there is nothing to show that in the even of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses or otherwise hamper fair investigation, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E