

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1009 of 2017**

Shiv Baran Singh S/o Chhote Lal Singh Gond Aged About 21 Years R/o -  
Village- Tedema, Police Station Khadgawan, Tehsil- Khadgawan, District  
Koriya, Chhattisgarh **---- Applicant**

**Versus**

State Of Chhattisgarh Through Police Station Khargawan, District- Koriya,  
Chhattisgarh **---- Respondent**

---

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For Applicant        | : | Shri Pawan Shrivastava, Advocate |
| For Respondent/State | : | Shri D.R. Minj, Dy. G.A.         |

---

**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**21/02/2017**

Heard.

1. The applicant has been arrested in connection with Crime No.207 of 2015 registered in Police Station- Khargawan, District Korea (C.G.) for the alleged commission of offence under Sections 363, 366, 376 (2) (N) of IPC and Section 4, 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.
3. Learned counsel for the applicant submits that the most important witnesses of the prosecution, the prosecutrix herself, have been examined and she has not supported the case of the prosecution and has stated that the applicant has done nothing to her. It is also submitted that according to the prosecutrix's statement, the applicant and prosecutrix had an affair. Therefore, at this stage, when there is no statement before the Court by the prosecutrix that she was subjected to any sexual intercourse, the applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the application for grant of bail and submits that looking to the nature and gravity of allegation and many other prosecution witnesses are yet to be examined, the applicant may not be granted bail.
5. Considering the submissions of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has not supported the case of the prosecution in her deposition before the Court and she has stated that the applicant did not do anything to her and that she had an affair with the applicant, 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