

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1290 of 2017**

Omprakash Vishwakarma S/o. Gunikram Vishwakarma, aged about 19 years, R/o. Bhawani Nagar, Matagarh, near kirana store, Saraswati Nagar, Raipur, District – Raipur (CG)

**---- Applicant**

**Versus**

State Of Chhattisgarh Through : Police Station Civil Line, Raipur, District – Raipur (CG)

**---- Respondent**

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

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**07/03/2017**

Heard.

The applicant has been arrested in connection with Crime No.250/2016 registered at Police Station – Civil Lines, Raipur, District – Raipur for alleged commission of offences under Section 363, 366, 376 (2) (झ) and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped the prosecutrix and thereafter, committed rape on her who is stated to be minor in age.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that important prosecution witnesses including the prosecutrix, Ku. Shahin Khan, Smt. Leela Bai, Lalesh Sawarkar, Jagannath Vishwakarma, Thaneshwar Ram, Acche Ram and Smt. Vijaya Mudliyar have been examined by the Trial Court. He submits that the prosecutrix has turned hostile and has completely belied the prosecution story of alleged commission of offence by the applicant and has stated before the Court that nothing happened to her and

the applicant has not committed any offence which has remained firm during cross examination. Therefore, it is submitted that at this stage, when all the important prosecution witnesses have been examined, the applicant may now be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that though the prosecutrix has been examined, considering the gravity of offence, the applicant may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that most of the prosecution witnesses including the prosecutrix have already been examined by the Trial Court and also the submission that the prosecutrix has not supported the case of the prosecution and turned hostile and that the applicant 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