

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1418 of 2017

- Abdul Wasim @ Sohail S/o Abdul Malik Khan, Aged About 22 Years, R/o Beside Nohar Grocery Store, Near Goat Market, Sanjay Nagar, Police Station And Post Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Line, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/03/2017

1. Heard.
2. The applicant has been arrested in connection with Crime No. 334/2016 registered in Police Station Civil Line, District Raipur (C.G.) for the alleged commission of offence under Sections 363, 366, 376(2)(Jha) read with Section 34 of IPC and Section 6 of the Protection of Children for Sexual Offence Act, 2012.
3. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter committed rape on the prosecutrix.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated by the prosecution. The applicant had an affair with the prosecutrix. It is also submitted that prosecutrix and other important witnesses has been examined. Father of the prosecutrix has already been examined in the trial Court and they have turned hostile, therefore, at this stage applicant may be granted bail.
5. On the other hand, learned counsel for the State has opposed the bail application. He submits that applicant has tried serious offence and other prosecution witnesses are yet to be examined, therefore, at this stage

applicant may not be released on bail.

6. Having considered the submissions made by learned counsel for the parties, particularly the submission that the prosecutrix has already been examined and has turned hostile and not supported the case of prosecution and the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to enlarge the applicant on bail.

7. 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