

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1396 of 2017

Tej Kumar @ Teja Sahu S/o Santosh Sahu Aged About 21 Years R/o Village Bhatgaon, Police Station Parpodi, District Bemetara, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through: Police Station Parpodi, District- Bemetara, Chhattisgarh

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For Respondent/State	:	Shri Aditya Sharma, PL

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

Order On Board

06/03/2017

Heard.

The applicant has been arrested in connection with Crime No.161 of 2015 registered in Police Station-Parpodi, District -Bemetara (C.G.) for the alleged commission of offence under Sections 363, 366(a), 376 of IPC and Section 4, 5-(a)(11) (३), 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, who stated to be less than 18 years of age.

3. Learned counsel for the applicant submits that the prosecution story is false and fabricated because the prosecutrix in her statement recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. before the Magistrate, has not made any kind of allegation against the applicant and

has given altogether different story of she having gone to her aunt's house because of long standing quarrel between her parents. She has stated in the statement that nothing was done by the applicant.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation and that the prosecutrix is less than 18 years of age, the applicant may not be granted bail.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission based on prosecutrix statement under Section 161 Cr.P.C. and 164 Cr.P.C. that the prosecutrix has not made any kind of allegation against the applicant but has stated a different reason for going to her aunt's house of her own, without involvement of 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