

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1425 of 2017

- Deepak Yadav S/o Bakelal Yadav (wrongly mention as Bakenath), Aged About 27 Years, R/o Jamko, Azad Basti Gurudwara No. 1, Thana Telco, At Present R/o Village Devkatta, Thana And Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

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. 608/16 registered in Police Station Dongargarh, District Rajnandgaon (C.G.) for the alleged commission of offence under Sections 363, 366, 376 of IPC and Section 4 & 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, who is less than 18 years of age.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated by the prosecution. The prosecutrix has given her statement under Section 164 of Cr.P.C. before the Magistrate in which she has clearly stated that she and applicant had an affair and they wanted to marry, after some time prosecutrix went back to the parents and she has also stated that applicant has never committed any sexual intercourse with her, therefore, no case is made out against the applicant.
5. On the other hand, learned counsel for the State has opposed the bail

application. He submits that on the date of incident, prosecutrix was aged less than 18 years, therefore, applicant may not be released on bail.

6. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C. before the Magistrate in which she has not made any allegation of sexual assault made by the applicant and charge-sheet has been filed 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