

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1597 of 2017

Nohar Mire S/o Chhannu Prasad Mire, Aged About 23 Years R/o Village Bandha
Police Station Pandariya Tahsil Pandariya, Civil & Revenue District Kabirdham
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pandariya Civil & Revenue District
Kabirdham Chhattisgarh

---- Respondent

For Applicant	:	Shri Dinesh Tiwari, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

15/03/2017

Heard.

1. The applicant has been arrested in connection with Crime No.14 of 2017 registered in Police Station- Pandariya, District- Kabirdham (C.G.) for alleged commission of offence under Sections 376 (2) (m) read with Section 34 IPC and Sections 3, 4, 16 & 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix who is stated to be less than 18 years of age.
3. Learned counsel for the applicant submits that the manner in which the allegations are levelled against the applicant, makes the prosecution story highly improbable and smacks of false implication. He submits that the applicant was not even present at the spot and the prosecutrix has given a statement which falls short of any credence. Learned counsel for the applicant further submits that the co-accused Indrapal has already been granted bail vide order

dated 27.2.2017 passed in MCRC No.1244 of 2017. The investigation is complete and charge sheet has been filed, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application.
5. Taking into consideration the nature of allegation against the applicant, the material available on record, particularly taking into consideration the allegation of the prosecutrix against present applicant and that the case of the co-accused Indrapal appears to be different from the present applicant, I am not inclined to enlarge the applicant on bail.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge