

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1634 of 2017

- Gulaal Sai @ Vishwajeet S/o Shri Aghan Das, Aged About 23 Years R/o Village Karamha, Police Station Dhourpur, District Sarguja Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dhourpur, District Sarguja Chhattisgarh

---- Respondent

For Petitioner	:	Shri R. R. Soni, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.46/2016 registered at Police Station Dhourpur, District Surguja for the offence punishable under Section 363, 366(A), 376(2)(n) of IPC and Section 5(1) & 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution 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 in this case, the applicant has been falsely implicated only on the basis of suspicion, though he is not involved. He further submits that in the prosecutrix's statement under Section 164 Cr.P.C. recorded before the Magistrate, has not involved the applicant and she has clearly stated that nothing was done to her by the applicant. It is lastly submitted that in this case, investigation is complete and charge sheet has been filed, therefore, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 Cr.P.C. and further taking consideration that the investigation is complete and charge sheet has been filed and the applicant does not appear to be in a position to abscond or tamper with the prosecution witnesses, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of 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.

SD/-

(Manindra Mohan Shrivastava)

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