

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4178 of 2017

- Bhanu Pratap Nishad S/o Late Maksudan Nishad, Aged About 23 Years R/o Village Oteband, Tahsil Dhamdha, Police Station Ahiwara, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandani Ahiwara, District Durg, Through The District Magistrate Durg, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Praveen Dhurandhar, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2017

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.330/2016 registered at Police Station Nandani Ahiwara, District Durg for the offence punishable under Section 363, 366, 376 of IPC and Section 5(L) & 6 of 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.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. It is also submitted that the prosecutrix has now been examined before the trial Court, in which, she has not supported the prosecution case of alleged kidnapping and rape.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to nature and gravity of allegation against the applicant, he is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties,

particularly taking into consideration the submission that the prosecutrix has been examined during trial, in which, she has turned hostile, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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