

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5510 of 2017

Rajman Kashyap S/o Lachchhu Kashyap, Aged About 22 Years R/o Village Mirtur, Police Station Nelasnar, District Bijapur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Nelasnar, District Bijapur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

23/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.2 of 2017 registered in Police Station- Nelasnar, District- Bijapur (C.G.) for alleged commission of offence under Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter committed rape on the prosecutrix who is stated to be a minor in age.
3. Learned counsel for the applicant would submit that the applicant has been falsely involved. He has not committed any offence. The prosecutrix has been examined in the Court wherein she has turned hostile and not supported the case of the prosecution but has stated that she has not involved the applicant anywhere.
4. On the other hand, learned counsel for the State, opposing the bail application, submits that looking to gravity and nature of allegation and that many prosecution witnesses are yet to be examined, the applicant may

not be released on bail..

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration that the prosecutrix has not supported the case of the prosecution , turned hostile and not involved 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.25,000/- 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