

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6534 of 2017

1. Om Prakash Sahu S/o Bisahuram Sahu, Aged About 22 Years R/o Village Khartora, Police Station Palari, District Baloda Bazar Chhattisgarh.

---- Applicant

Versus

1. The State Of Chhattisgarh Through Police Station Arang, Raipur Chhattisgarh.

---- Respondent

For Applicant
For Respondent/State

Shri Vikram Singh, Advocate
Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/12/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.29/2017 registered in Police Station Arang, Dist. Raipur, for offence punishable under Sections 363, 366A & 376 of the Indian Penal Code; Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012; Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On the date of incident the prosecutrix was almost 18 years of age. A reading of her statement under Section 164 of the Cr.P.C. and her deposition in the Court would seriously dent the prosecution case in so far as the nature of allegation of rape is concerned. After being declared hostile, she has stated that her relationship with the applicant was consensual.
4. Learned counsel appearing for the State would oppose the bail application.
5. Considering the facts and circumstances of the case; particularly considering the fact that the prosecutrix has already been examined before the trial Court; and also considering the fact that the applicant is in detention since 28-1-2017, this Court is inclined to release the applicant on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Judge

Prashant Kumar Mishra

Gowri