

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6566 of 2017

Veeru @ Memlal Dahariya S/o Bharat Satnami, Aged About 30 Years R/o Village Dongariyadipa, Savitripur, Police Station Sankra, Tahsil Pithora, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Sankra, Tahsil Pithoura, District Mahasamund Chhattisgarh.

---- Respondent

Shri V.K.Pandey, counsel for the applicant/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2017

Heard.

The applicant has been arrested in connection with Crime No.69/2017 registered at Police Station – Pithoura, District - Mahasamund (CG) for alleged commission of offences under Section 363, 366 and 376 of IPC read with Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant kidnapped, took the prosecutrix (a minor), away from her house and it is alleged that she was subjected to rape by the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The allegations against him are exaggerated. It is submitted that even if the prosecutrix is treated to be minor, at the most, offence under Section 363 IPC would be made out which is bailable in nature. It is submitted that the prosecutrix has not supported the case of the prosecution in so far as commission of rape is concerned, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the prosecutrix, a minor, was taken away by the applicant and she was subjected to rape. Therefore, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly the submission that the prosecutrix has now been examined in the Court and she has not alleged any physical or sexual assault by the applicant and denied having been subjected to any sexual intercourse and that the applicant is in jail since 01/05/2017, he is not likely to abscond or tamper with the remaining prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for 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 from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge