

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7066 of 2017

Ritesh Adil S/o Juni Adil, Aged About 27 Years R/o Prabhat Chowk Chingraj Para, Bilaspur, P. S. Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Civil Line Raipur, District Raipur, Chhattisgarh.

---- Respondent

Shri N.K.Chatterjee, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

The applicant has been arrested in connection with Crime No.500/2017 registered at Police Station – Civil Line, Raipur District - Raipur (CG) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 6 of the POCSO Act.

2. Case of the prosecution is that the applicant kidnapped and committed rape on the prosecutrix who is stated to be minor.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The applicant never kidnapped the prosecutrix and she herself went to the house of the applicant because she had an affair with the applicant. The prosecutrix, in her statement under Section 164 CrPC recorded before the Magistrate has clearly stated that she had an affair with the applicant and she of her own went to the house of the applicant and that no sexual intercourse was committed with her.

4. On the other hand, learned State counsel opposes bail application and

submits that looking to the age of the prosecutrix and she was present in the house of the applicant, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, considering that investigation is complete, charge sheet has been filed, further submission that the prosecutrix in her statement under Section 164 CrPC has stated that she herself walked into the house of the applicant and there is no allegation of sexual intercourse, 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