

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8286 of 2016

Rakesh Sahu S/o Panchu Sahu, Aged About 19 Years R/o Indori Police Station
Pipariya Present R/o Ramnagar Ward No. 1 Kawardha District Kawardha
(Kabirdham) Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Kawardha (Kabirdham),
Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ajay Ayachi, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

02/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No. 390 of 2016 registered in Police Station- Kawardha, District-Kabirdham (C.G.) for the alleged commission of offence under Sections **354-D, 506-B IPC** and Sections 11 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant outraged the modesty of the prosecutrix by insisting her to maintain an affair with him and he also threatened her that if she does not accept his wishes, he may kill her.
3. Learned counsel for the applicant submits that the allegations are farfetched and exaggerated and looking to the nature of overt act and age of the prosecutrix, at this stage, the applicant may be granted bail as the investigation is already complete and charge sheet has also been filed.
4. On the other hand, learned counsel for the State has opposed the bail

application. He submits that looking to the nature of overt act of the applicant, a prima facie case is made out.

5. Considering the submissions made by learned counsel for the parties, considering the nature and extent of overt act alleged to have been committed by the applicant, pretrial detention and that the investigation is complete and charge sheet has been filed and the applicant is not likely to abscond or tamper with prosecution witnesses, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- 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