

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8510 of 2016

Jaindu @ Gaindu Nishad S/o Shri Ratan Nishad, Aged About 28 Years R/o Village Kanekera, Thana Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, Civil & Revenue District Mahasamund (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Sunil Sahu, 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.180 of 2016 registered in Police Station- Mahasamund, District -Mahasamund (C.G.) for the alleged commission of offence under Sections 363, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that the applicant kidnapped and committed rape on the prosecutrix, who is less than 18 years of age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that the prosecutrix has now been examined during trial and before the Court she has not implicated the applicant in any manner

whatsoever, she has denied all the suggestions of applicant having subjected her to rape on the threat of knife, therefore, at this stage, when most important prosecution witnesses namely prosecutrix has been examined, applicant may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation and that if the applicant is granted bail at this stage, he may tamper with the prosecution witnesses and likely to abscond.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission that in her statement, the prosecutrix has not supported the case of the prosecution and has not involved the applicant in the alleged commission of offence and further that there is no material to show that in the event of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses, 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.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