

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1298 of 2017

- Jagesh Dhruw S/o Mayaram Dhruw, Aged About 21 Years R/o Village Gundardehi, Thana Fingeshwar, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Fingeshwar, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Krishna Kumar Dewangan, Advocate
For State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/02/2017

1. Heard.
2. The applicant has been arrested in connection with Crime No.50 of 2016 registered in Police Station- Fingeshwar, District- Gariyaband (C.G.) for the alleged commission of offence under Sections 376, 363, 366 of IPC and Sections 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant submits that he has been falsely implicated. The prosecutrix has now been examined in the Court and she has not supported the prosecution case in so far as allegation of commission of rape is concerned he submits that according to the prosecutrix herself and applicant had an affair and thereafter performed the marriage in a temple. She is more than 18 years of age and has clearly stated that no sexual intercourse was committed with her by the applicant.
4. On the other hand, learned State counsel has opposed the bail application of the applicant and submits that he has committed serious offence. Other prosecution witnesses have not been examined at this stage, the application may be rejected.
5. Considering the arguments of learned counsel for the parties, particularly

taking into consideration that the prosecutrix has already been examined and further argument of learned counsel for the applicant that she has not supported the case of prosecution regarding commission of rape with her and she has stated that she and applicant had married in a temple, 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