

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1552 of 2017

Ajay Chouhan S/o Lilamber Chouhan, Aged About 21 Years R/o Village- Pasid
Police Station Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through S.H.O. Jaijaipur, District- Janjgir- Champa,
Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ishwar Jaiswal, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

15/03/2017

Heard.

1. This is repeat application for grant of bail to the applicant, after examination of the prosecutrix.
2. The applicant has been arrested in connection with Crime No.184 of 2016 registered in Police Station- Jaijaipur, District -Janjgir Champa (C.G.) for alleged commission of offence under Sections 363, 366, 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix and it is alleged that thereafter, he committed rape on her.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix and many other important witnesses of the prosecution have now been examined and the prosecutrix has not supported the case of the prosecution and turned hostile. There is no allegation by the prosecutrix that she was subjected to any sexual intercourse by the applicant.

5. On the other hand, learned counsel for the State has opposed the bail application. He submits that though the prosecutrix has been examined, there are other important prosecution witnesses remained to be examined and therefore, looking to the nature and gravity of offence, the applicant may not be released on bail.
6. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration that the prosecutrix has already been examined during trial and she has not supported the case the prosecution, turned hostile and not made any allegation against the applicant and stated that she had an affair with the applicant, I am inclined to enlarge the applicant on bail.
7. 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