

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1848 of 2017

Shiv Kumar Giri S/o Shri Prabhu Giri, Aged About 21 Years R/o Village Sedhour
Podi, Post Office & Police Station Jaithari, District Anuppur Madhya Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police Station
Manendragarh, District Koriya Chhattisgarh

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent/State	:	Shri Dhiraj Wankhede, Govt. Advocate

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

Order On Board

07/04/2017

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.249 of 2016 registered in Police Station- Manendragarh, District -Koriya (C.G.) for alleged commission of offence under Sections 363, 366, 376 & 506 IPC and Section 6, 17 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix who is stated to be minor in age and it is alleged that thereafter, the applicant committed rape on her.
4. Learned counsel for the applicant submits that the applicant was falsely implicated. Now the prosecutrix has been examined in the Court and she has not supported the case of the prosecution and has clearly stated that only because of that she had an affair with the applicant and when she was scolded,

a false report was got lodged, but nothing happened to her. Therefore, the applicant may be enlarged on bail.

5. On the other hand, learned counsel for the State has opposed the bail application. He submits that the applicant is being tried for commission of heinous offence and many other witnesses are yet to be examined, therefore, the applicant may not be grant bail.
6. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration that the prosecutrix has been examined and the submission that she has not supported the case of the prosecution, turned hostile, and said that nothing happened to her and further taking into consideration that the applicant is in jail since 15.7.2016, 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