

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2035 of 2017

- Pankaj Sahu S/o Horilal Sahu Aged About 20 Years R/o Village Bendri,
Post- Office & Police Station : Rakhi, Tahsil Abhanpur, District Raipur
Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station
- Abhanpur, District - Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Shivendu Pandya, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/04/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.271/2016 registered at Police Station Abhanpur, District Raipur for the offence punishable under Section 363, 366 & 376 of IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 18-09-2016.

3. Case of the prosecution is that the applicant committed rape on the prosecutrix, who is stated to be minor in age.

4. Learned counsel for applicant submits that in the present case, the applicant has been falsely implicated. He submits that the prosecutrix has been examined during trial and she has deposed that no rape was committed on her by the applicant. He lastly submitted that at this stage, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the nature and gravity of allegation and that number of prosecution witnesses are yet to be examined, therefore, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the prosecutrix has not supported the prosecution case and turned hostile by stating that the applicant has not committed rape on her, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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