

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2240 of 2017

- Veshkumar Mandre S/o Vijju Alias Vijaylal Mandre, Aged About 22 Years Sakin Talai, Thana- Janjgir, District Champa/ Janjgir, Chhattisgarh, Hall Village Telsara Thana Chakarbhata, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Kotwali District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri K.K. Khatri, Advocate
For State : Shri D.R. Minj, Dy. Govt. Advocate
For Objector : Shri Manoj Jaiswal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2017

1. Heard.
2. This is second bail application under Section 439 of Cr.P.C. The applicant has been arrested in connection with Crime No. 493/2016 registered in Police Station Kotwali, District Raigarh (C.G.) for the alleged commission of offence under Sections 363, 366, 376 of IPC and Section 4,6 of the Protection of Children for Sexual Offence Act, 2012.
3. Case of the prosecution, in brief, is that the applicant has committed rape with the prosecutrix, who is less than 18 years of age.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is also submitted that the prosecutrix has been examined in the Court and she has not even identified the applicant in the Court but she has clearly stated that applicant did nothing to her, therefore, at this stage he may be granted bail.
5. On the other hand, learned counsel for the State and objector have opposed the bail application. They submit that though the prosecutrix had given her statement as stated above on 08/03/2017, later on, an application for re-examination of the prosecutrix has been submitted that the prosecutrix gave

her statement under the threat and pressure of the applicant and his friend.

6. It is found that the prosecutrix was examined on 08/03/2017 and later on, application has been filed by the family members of the prosecutrix and there is no application placed before the Court to show that the Court later on examined the prosecutrix.
7. Therefore, in the aforesaid circumstances, taking into consideration that the prosecutrix has turned hostile, applicant is in jail since 28/09/2016 and the applicant is not likely to abscond or temper with the prosecution witnesses, I am inclined to enlarge the applicant on bail. The bail application is allowed.
8. 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