

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2300 of 2017

- Mohan Sahu S/o Shri Lalit Kishore Sahu, Aged About 25 Years R/o Village- Tengrahi Thana- Komakhan, tahsil- Bagbahra, Civil & Revenue District- Mahasamund Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through : The Station House Officer Police Station Komakhan, District- Mahasamund, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/05/2017

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.111/2016 registered at Police Station Komakhan, District Mahasamund for the offence punishable under Section 363, 376, 342/34 of IPC and Section 4, 11 & 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 27-12-2016.

3. Case of the prosecution is that the applicant kidnapped and thereafter, committed rape on the prosecutrix.

4. Learned counsel for applicant submits that during trial, most important prosecution witness namely prosecutrix has been examined and she has clearly stated that no rape was committed on her nor she was kidnapped by the applicant and she has denied that any such statement was given before the Magistrate under Section 164 Cr.P.C.. 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 nor she was kidnapped by the applicant and that the applicant is in jail since 27-12-2016, 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**)

J U D G E