

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 171 of 2018

Shiv Kumar Yadav S/o Premchand Yadav, Aged About 20 Years R/o Katinda,
Police Station Lakhanpur, District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station- Lakhanpur, District Surguja Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri G.V. K. Rao, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

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

Order On Board

09/03/2018

Heard.

1. The applicant has been arrested in connection with Crime No.162 of 2017 registered at Police Station- Lalkhanpur, District Surguja (CG) for the alleged commission of offence under Section 363, 366, 366A, 368, 376(2) (ॢ), 114 of IPC and Section 5 ॢ, 6, 17 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution is that the prosecutrix, a minor, was kidnapped with the help of the present applicant and she alleged that she was subjected to rape.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. The co-accused Tej Khan is alleged to be the main accused. The allegation against the applicant is that the applicant had accompanied the co-accused upto some stage whereafter the co-accused prosecutrix went ahead to another destination. He would submit that the prosecutrix in her statement under Section 164 Cr.P.C. has clearly stated that no sexual intercourse was committed with her by the co-accused. Therefore, at this stage, when investigation is complete, charge-sheet has been filed, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes the bail application and submits that looking to the age of the prosecutrix and that the applicant helped the co-accused to run away from their respective residence, a prima facie case is made out against the applicant also.
5. Taking into consideration the nature of allegation against the applicant and the role alleged to be played by him and that the prosecutrix does not allege that she was subjected to any sexual intercourse and further taking into consideration that the investigation is complete, charge-sheet has been filed and that there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties 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