

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1771 of 2018

- Shanikumar Patre Devidayal, Aged About 20 Years R/o Shivpur, Ward No. 1, Police Station Charcha, District Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Patna, District Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2018

Heard.

The applicant has been arrested in connection with Crime No.25/2018 registered in Police Station – Patna, District – Korea (C.G.) for alleged commission of offences under Sections 354 (क)(घ), 509, 341, 506 of IPC and Section 4 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution is that the applicant threatened the prosecutrix and also sexually harassed and used criminal force with intent to disrobe the prosecutrix.

3. Learned counsel for the applicant submits that the applicant has not committed any offence. He has been falsely implicated. It is submitted that the prosecutrix has now been cross examined and she has not supported the case of the prosecution, turned hostile and her statement clearly proves that the applicant and the prosecutrix had an affair and all the reports were lodged only on the compulsion of her family members.

4. On the other hand, learned counsel for the State opposes bail application and submits that looking to the nature and gravity of allegations and that the prosecutrix is barely 16 years of age, a minor, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has not supported the case of the prosecution and turned hostile and she has already been examined, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his 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