

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1802 of 2018

Mohd. Jahangir @ Lalu S/o Abdul Rajjaq Aged About 24 Years R/o Charcha Post
Office Line Police Station Charcha, District Koriya Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Charcha, District Koriya Chhattisgarh,

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

04/05/2018

Heard.

1. The applicant has been arrested in connection with Crime No.85 of 2017 registered in Police Station- Charcha, District- Koriya, for the alleged commission of offence under Sections 366, 376 (2) (n) IPC, Sections 3, 4, 5 (n) & 6 of the Protection of Children From Sexual Offences Act, 2012 and Sections 3 (1) (w), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that the applicant committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. The prosecutrix has now been examined in the Court, but she has not supported the prosecution case and turned hostile and even refused to identify the applicant.
4. On the other hand, learned counsel for the State opposed the bail application.

He would submit that looking to the nature and gravity of allegation and that other prosecution witnesses are remained to be examined, at this stage, the applicant may not be released on bail.

5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration that the prosecutrix has been examined and the submission of learned counsel for the applicant that she has not even identified the applicant and has stated that no offence was committed on her by the applicant and she completely turned hostile, I am inclined to grant bail to the applicant.
6. The application is accordingly 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