

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1913 of 2018**

- Tej Khan S/o Jumman Khan Aged About 21 Years R/o- Masjid Mohalla Lakhanpur, Police Station Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, P.S. Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Petitioner	:	Shri Pushpendra Kumar Patel, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/05/2018**

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.162/2017 registered at Police Station Lakhanpur, District Suruguja for the offence punishable under Section 363, 366, 376(2)(N) of IPC and Section 5(L) & 6 of Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter committed rape on the prosecutrix, who is stated to be minor.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. It is also submitted that the prosecutrix is major and she has now been examined before the trial Court, in which, she has not supported the prosecution case of alleged kidnapping and rape by any body or by the applicant and refused to identify the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to nature and gravity of allegation against the applicant and number of prosecution witnesses are yet to be examined, he is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has been examined during trial, in which, she has turned hostile and even refused to identify the present applicant, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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