

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2273 of 2018

Mohammaed Imran Khan S/o Shri Mohammed Yunush Khan Aged About 23 Years R/o Santoshi Nagar, Near Sharma Kirana Store, Raipur P. S. Tikrapara, Dist. Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Azad Chowk, Amapara, Dist. Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vivek Kumar Agrawal, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

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.222 of 2017 registered at Police Station- Azad Chowk, Thana Amapara, Raipur, District Raipur (CG) for the alleged commission of offence under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant kidnapped and committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the prosecutrix was not kidnapped by the applicant. She left her house because of quarrel of her mother and stayed in Dargah for two days. He would further submit that the prosecutrix has neither examined in the Court and she has not supported the prosecution story, turned hostile and stated that the applicant neither kidnapped her nor committed any sexual intercourse with her. Therefore, at this stage, he may be granted bail.
4. On the other hand, learned State counsel opposes the prayer and submits

that looking to the nature and gravity of allegation, the applicant may not be granted bail.

5. Having considered the submission of learned counsel for the parties, particularly submission based on prosecutrix's statement recorded in the Court during trial in which the prosecutrix has turned hostile, not supported the prosecution story and stated that no sexual intercourse has been committed with her by the applicant, 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