

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2261 of 2018**

- Mansaram Netam S/o Ramlal Aged About 20 Years R/o- Village Belgaon Tahsil Makari, P.S. Makari, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- The Police Station Makari, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Praveen Tulsyan, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

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.53/2017 registered at Police Station Makari, District Kondagaon for the offence punishable under Section 363, 366, 354 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution is that the applicant kidnapped the prosecutrix and thereafter outraged the modesty and subjected to sexual intercourse, 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 has now been examined before the trial Court, in which, she has not supported the prosecution case and has not stated that she was subjected to sexual intercourse by the applicant. Therefore, at this stage, the applicant may be granted bail.
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 not supported the prosecution case and has been declared hostile, 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**)

J U D G E