

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2266 of 2018

Satish Vaishnav S/o Ravindra Vaishnav Aged About 20 Years R/o-
Bazarpara Lailunga, District- Raigarh, Chhattisgarh., District :
Raigarh, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through- P.S. Lailunga, District- Raigarh,
Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.

For State : Mr. Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

11/05/2018

1. The applicant has been arrested in connection with the Crime No. 303/2017 registered at Police Station –Lailunga, District- Raigarh, (CG) for alleged commission of offences under Section 363, 366, 376 of IPC & Section 4 & 6 of Prevention of Children from Sexual Offence Act, 2012.

2. The case of the prosecution is that the applicant performed marriage and then committed rape on the prosecutrix.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged incident. He submits that it is clearly seen from the prosecutrix statement under Section 164 of Cr.P.C recorded by the Magistrate wherein she has clearly stated that she had an affair with the applicant. She insisted the applicant to take her away because she was being compelled to marry against her wishes by her parents. He further submits that the prosecutrix has also stated that the

applicant and prosecutrix performed marriage, there has been no sexual intercourse between them.

4. On the other hand, learned counsel for the State opposes bail application and submits that prosecutrix is minor and in the FIR and in the case diary statement it has been stated that she was subjected to sexual intercourse. Therefore, he may not be granted bail.

5. Having considered the submission of learned counsel for the parties and having perused the case diary and further taking into consideration the statement of the prosecutrix under Section 164 Cr.P.C that there was no sexual intercourse between the applicant and the prosecutrix, investigation is complete and charge-sheet has been filed, the application is allowed.

6. Accordingly, the application is allowed. 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 one local surety of the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

Judge