

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2476 of 2018

Vijay Patle S/o Mohan Patle Aged About 21 Years R/o- Village Jhal, P.S.
Navagarh, Tahsil- Lormi, District- Mungeli, Chhattisgarh ----**Applicant**

Versus

State Of Chhattisgarh Through- Police Station Lormi, District- Mungeli,
Chhattisgarh --- **Respondent**

For Applicant	:	Shri Anurag Khatri, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

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

Order On Board

17/05/2018

Heard.

1. The applicant has been arrested in connection with Crime No.212 of 2017 registered at Police Station- Lormi, District Mungeli (CG) for the alleged commission of offence under Section 363, 366 & 376/34 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the prosecutrix a minor was kidnapped by co-accused Satish Dhruv and was subjected to rape. The allegation against the present applicant is that the applicant provided conveyance to co-accused Satish Dhruv, in which, the minor girl was kidnapped and taken to other places.
3. Learned counsel for the applicant would submit that the prosecutrix statement recorded under Section 164 Cr.P.C. by Magistrate clearly shows that the prosecutrix and co accused Satish Dhruv had an affair and both of them eloped. The applicant is involved because the applicant had on their demand, given the lift to drop them from one place to the other place.
4. On the other hand, learned State counsel opposes the prayer and submits that the girl was minor, she was kidnapped by co-accused and the applicant providing conveyance is equally involved in the alleged commission of offence.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the role alleged to be played by the applicant and that the applicant is in jail since 27.01.2018, investigation is complete, charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on him 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge