

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2492 of 2018

Dashrath Panika S/o Jaiprasad Panika Aged About 22 Years R/o- Gauripur,
Police Station Premnagar, District- Surajpur, Chhattisgarh., District : Surajpur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station-
Premnagar, Surajpur, District- Surajpur, Chhattisgarh., District : Surajpur,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

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.145 of 2017 registered in Police Station- Premnagar, Surajpur, District- Surajpur, for the alleged commission of offence under Sections 363, 366, 376 IPC, Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 3,4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter committed rape on the prosecutrix who is stated to be minor in age.
3. Learned counsel for the applicant would submit that the applicant has been involved in a false case. He did not commit any such act. He would further submit that the prosecutrix has now been examined in the Court, but she has

not supported the case of the prosecution, turned hostile and she even refused to identify the applicant. Therefore, at this stage, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. He would submit that looking to the nature and gravity of allegation and as many more prosecution witnesses are yet to be examined, the applicant is not entitled to grant of bail.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix has now been examined and she has not supported the case of the prosecution, turned hostile and even refused to identify and denied having been subjected to any sexual intercourse, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his 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