

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2873 of 2020

Sheikh Mohsin S/o Sheikh Mannan Aged About 20 Years R/o Taj Nagar Santoshi Nagar Tikra Para, Raipur Police Station - Tikra Para Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station - Civil Line, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Krishna Kumar Dixit, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

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

Order On Board

16/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.86/2020 registered in Police Station -Civil Line, Raipur, District- Raipur (CG) for alleged commission of offence under Sections 363, 366, 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped and thereafter kept the prosecutrix with him and it is alleged that in December 2018, the applicant committed rape on the prosecutrix. Later on, when the prosecutrix and her family insisted for marriage, the applicant did not marry, which resulted in lodging of FIR on 16.2.2020.
3. Learned counsel for the applicant argues that the allegation against the applicant that he committed rape is false. He would submit that even according to the prosecutrix, as stated in her statement under Section 164

Cr.P.C., the applicant and the prosecutrix had an affair. He would submit that the allegation of rape is said to have been made as back as in 2018, whereas, FIR has been lodged on 16.2.2020. Therefore, the prosecution story is exaggerated because as the marriage could not materialize, a false allegation is being levelled.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that though in her statement under Section 164 Cr.P.C., the prosecutrix states that the applicant and the prosecutrix were having affair, but the prosecutrix is a minor as her date of birth is 6.2.2004. Therefore, consent is immaterial.
5. I have heard learned counsel for the parties. On prima facie considerations, it is found that even according to the prosecutrix, she and the applicant had an affair. The allegation of sexual intercourse is said to have been of the year 2018, but the FIR has been lodged on 16.2.2020. As the investigation is complete, charge sheet has been filed and that the applicant is in jail since 17.2.2020, present is a fit case for grant of bail.
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 one local surety 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