

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4577 of 2020

Pradeep Kumar Saruta S/o Vailas Ram Saruta Aged About 20 Years Caste
Gond, R/o Village Gadauli, Police Station Chalgali, District Balrampur
Ramanujganj Chhattisgarh -----**Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Pratappur, District Surajpur Chhattisgarh ----- **Respondent**

For Applicant	:	Shri Rahul Mishra, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

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

Order On Board

03/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.177 of 2019 registered at Police Station- Pratappur, District Surajpur (CG) for the alleged commission of offence under Section 363, 366-A, 376 of IPC and Section 4 & 6 of POCSO Act.
2. Case of the prosecution is that the applicant abducted and committed rape on the prosecutrix, who is minor.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. He neither abducted nor committed any rape. He would submit that the prosecutrix has already been examined by trial Court and she has even refused to identify the applicant and she has not made any allegation whatsoever much less any act of commission of sexual intercourse with her by the present applicant. Therefore, at this stage, when the main prosecution witness, prosecutrix, has already been examined, the applicant may be granted bail.
4. On the other hand, learned counsel for the State submits that according to

charge-sheet, the prosecutrix clearly made allegation of commission of rape against the applicant. He would submit that the statement made before the Trial Court are matters of appreciation of evidence.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix has already been examined before the trial Court and the submission of learned counsel for the applicant that the prosecutrix has not involved the applicant in any manner whatsoever in the alleged commission of offence and has also even refused to identify him, I am inclined to allow the application. Accordingly, the application is allowed. 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 for his appearance before the trial Court on such further dates as may be directed, unless exempted from appearance.

6. Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge