

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5059 of 2020

- Ajay Nirala, S/o Suklal Nirala, Aged About 25 Years R/o Medhapali, Police Station Dabhra, District - Janjgir - Champa Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through - District Magistrate, District - Janjgir - Champa Chhattisgarh. ---- **Respondent**

For Applicant	:	Shri Hari Om Rai, Advocate
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice Manindra Mohan ShrivastavaOrder On Board14/10/2020

1. None for the informant even though notice has served.
2. Heard on application for grant of bail.
3. The applicant has been arrested on 14.12.2019, on the allegation of having committed offence under Sections 363, 366(A), 376 of I.P.C. & 6 of POCSO Act. He moved this application for grant of bail in connection with Crime No.421/2019 registered at Police Station- Dabhra, District- Janjgir-Champa (C.G.).
4. Prosecution case is that the applicant abducted and committed rape on the prosecutrix, who is stated to be minor in age.
5. Learned counsel for the applicant would argue that the applicant has been falsely implicated, he did not commit any offence of rape on the prosecutrix. Prosecutrix has been examined in the court and she turned hostile and has not made any allegation of sexual intercourse against the present applicant, therefore, at this stage, he may be granted bail.
6. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima-facie case is made out, as the prosecutrix was hardly

14 years of age when she was abducted. He would submit that the statement of the prosecutrix in the Court may not be taken into consideration, at this stage, it is a matter of appreciation of evidence. He would further submit that medical report shows that she was habitual of sexual intercourse and the mother of the prosecutrix has supported the prosecution story.

7. I have heard learned counsel for the parties and on prima-facie consideration, particularly taking into consideration the age of the prosecutrix and mother and father of the prosecutrix have been examined in the trial Court and further taking into consideration the submission of learned counsel for the applicant that the prosecutrix in her Court statement has turned completely hostile and has not made any allegation against the present applicant, present is a fit case for grant of bail.
8. Accordingly, the bail application is 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/- with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge