

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5199 of 2020**

- Gopi Kishan Baghel S/o Shri Puran Baghel Aged About 21 Years R/o Village Raita Police Station Dharsiva District Raipur Civil And Revenue District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Tilda Nevra Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri Ajay Mishra, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/09/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.154/2020 registered at Police Station – Tilda Nevra, District – Raipur (C.G.) for alleged commission of offences under Section 363, 366 and 376 of IPC and Section 4 of the POCSO Act.
2. Prosecution case is that the applicant abducted the prosecutrix, performed marriage and committed rape on her.
3. Learned counsel for the applicant would argue that the prosecutrix, in her statement under Section 164 CrPC, has not made any allegation of sexual intercourse against the applicant and the medical opinion in this regard is not definite. Therefore, at this stage, when investigation is complete, charge sheet has been filed and the applicant is in jail since 27/06/2020, the applicant may be granted bail.
4. On the other hand, learned State counsel would argue that though the

prosecutrix has stated that she had gone along with the applicant and she may not have specifically stated regarding sexual intercourse, in the medical report, it has been found that sexual intercourse was committed with the prosecutrix.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration the statement of the prosecutrix under Section 164 CrPC and that the medical report is not very emphatic and definite opinion has not been expressed, present is a fit case for grant of bail.

6. Accordingly, the 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/- along with one local surety 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) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge