

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4965 of 2020

Manish Ursa S/o Late Masaram Ursa Aged About 20 Years R/o Village Toynar
P. S. Toynar, District Bijapur Chhattisgarh, District : Bijapur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Bijapur District Bijapur
Chhattisgarh, District : Bijapur, Chhattisgarh

---- Respondent

For Applicant	:	Shri P.K. Tulsyan, Advocate
For State	:	Shri Alok Bakshi, Addl. Advocate, General

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

Order On Board

22/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.114/2019 registered in Police Station -Bijapur, District- Bijapur (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 abducted and committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case. The prosecutrix has been examined in the trial Court and she has not involved the applicant anywhere in the incident and clearly stated that she begotten child from another person and the applicant did nothing to her. Therefore, at this stage, when the prosecutrix has been examined, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposed the bail application

by submitting that the applicant is facing trial for commission of a grave offence of rape on minor and only the prosecutrix has been examined and many other witnesses are yet to be examined. Therefore, 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 that the prosecutrix has now been examined, considering the submission made by learned counsel for the applicant that the prosecutrix has not supported the case of the prosecution, turned hostile, without commenting on merits of the case, present appears to be 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