

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4999 of 2020**

- Santram Nirmalkar S/o Kishan Nirmalkar Aged About 22 Years R/o Village Saltekri, Thana And Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh

**---- Applicant****Versus**

- The State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon, Chhattisgarh

**---- Respondent**


---

|               |   |                              |
|---------------|---|------------------------------|
| For Applicant | : | Shri Parag Kotecha, Advocate |
| For State     | : | Shri Alok Bakshi, Addl. A.G. |

---

**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****04/09/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.616/2019 registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for alleged commission of offences under Section 363, 376 (2) (n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant abducted the prosecutrix and committed rape on her who is stated to be minor.
3. Learned counsel for the applicant submits that he has been falsely implicated and no offence has been committed by him. He would submit that the prosecutrix and many other witnesses of the prosecution have been examined and the prosecutrix, in particular, has not supported the case of the prosecution, turned hostile and denied that the applicant committed rape on her.
4. On the other hand, learned State counsel argues that presently, the trial is going on and many other witnesses are yet to be examined. He would submit that offence is grave and the prosecutrix in her examination, has admitted that she has

given statement under Section 164 CrPC before the Magistrate. Therefore, it is argued that the evidence of the prosecutrix is a matter of appreciation by the Trial Court.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration that the prosecutrix and many other witnesses of the prosecution have been examined and further submission of learned counsel for the applicant that the prosecutrix, though examined by the Trial Court, has not supported the prosecution case and denied that any offence of rape was committed on her, without commenting or entering into appreciation of evidence as such, I am inclined to grant bail to the applicant.

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**