

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5717 of 2020**

- Akash Korwa S/o Khore Korwa Aged About 30 Years Occupation - Labour, Village Patela, Police Station - Sitapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Saumya Sharma, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.29/2015 registered at Police Station – Sitapur, District – Surguja (C.G.) for alleged commission of offences under Section 363, 366 (a), 368, 376 (a) (b), 376 (2) (n) of IPC and 5 (l), 5 (j) (ii) and 6 of POCSO Act.
2. Prosecution case is that the applicant abducted the prosecutrix, a minor girl and committed rape on her.
3. Learned counsel for the applicant would argue that the applicant has been falsely implicated in the alleged commission of offence and he has not committed any offence much less offence of rape. He further argues that now the prosecutrix and her parents, all have been examined and none of them have supported the case of the prosecution and turned hostile. It is submitted that the prosecutrix has emphatically stated that the applicant did not commit any offence with her and suggestion of rape have been specifically denied.
4. On the other hand, learned State counsel submits that the allegations are grave

in nature, trial is still going on and evidence led before the Trial Court may not be appreciated at this stage.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the prosecutrix has been examined, turned hostile and not supported the case of the prosecution, without commenting upon the nature and quality of evidence, at this stage, 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