

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9343 of 2020

Alex Kumar Khalkho S/o Shri Kalisay Khalkho Aged About 21 Years R/o
Village- Jamjunwani, Thana And Tahsil Patthalgaon, District Jashpur,
Chhattisgarh **----Applicant**

Versus

The State Of Chhattisgarh Through The Station House Officer Police Station
Dharamjaygarh, District Raigarh, Chhattisgarh **---- Respondent**

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri K.K. Singh, G.A.

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

Order On Board

13/04/2021

Heard.

1. This is repeat application for grant of bail filed by the applicant. First application was dismissed as withdrawn with liberty.
2. The applicant has been arrested in connection with Crime No.127 of 2020 registered at Police Station- Dharamjaygarh, District Raigarh (CG) for the alleged commission of offence under Section 376(2)(n) of IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
3. Prosecution case is that the applicant abducted and committed rape on the prosecutrix, who is stated to be minor.
4. Learned counsel for the applicant would argue that the prosecutrix has now been examined by the trial Court and even if her entire evidence is taken as it is, given the prosecution case of prosecutrix born on 15.07.2000, on the date of first sexual intercourse between the applicant and the prosecutrix was more than 18 years of age. He would further submit that evidence of the prosecutrix clearly shows that the applicant and prosecutrix were having an affair which culminated in their relationship. Therefore, at this stage, the applicant may be granted bail.

5. On the other hand, learned State counsel opposes the bail application and submits that the applicant is being tried for commission of serious offence of committing rape on a minor, therefore, at this stage, in case, bail is granted to the applicant, he is likely to flee away from justice and trial may be hampered.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that now the prosecutrix has been examined and further taking into consideration the submission of learned counsel for the applicant and that the prosecutrix in her own evidence has stated regarding first physical relationship with the applicant in April, 2019 and that according to prosecution, the date of birth of the prosecutrix is 15.07.2000, at this stage, I am now inclined to grant bail to the applicant. Accordingly, the application is allowed.
7. 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge