

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2488 of 2016

Prahlad Kumar S/o Shri Kumar Choudhari Aged About 20 Years Student,
R/o. Narmadapur, Harijanpara, P.S. Kamleshwarpur, District Surguja CG

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer - Police Station
Kamleshwarpur, District Surguja Chhattisgarh

---- Non-applicant

Applicant by

Ms. Hamida Siddiqui, Advocate.

Non-applicant/State by

Mr. Dhiraj Wankhede, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

31-5-2016

Heard.

The applicant has been arrested on 22-2-2016 in connection with Crime No. 3/2016 registered in Police Station Kamleshwarpur, distt. Surguja for offence punishable under Sections 354-A and 506-B of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act.

Case of the prosecution is that the applicant outraged the modesty of the prosecutrix and compelled her to have relation with the applicant.

Learned counsel for the applicant submits that it is a case of false implication. The girl/complainant appeared before the Magistrate and her statement under Section 164 of the Cr.P.C. has been recorded by the Magistrate wherein she has denied having made any such allegation against the applicant.

On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that in the report and diary statement, allegation has been made against the applicant.

Taking into consideration the submission particularly taking into consideration the submission regarding statement recorded under Section 164 of the Cr.P.C. before the Magistrate wherein the prosecutrix has only stated regarding abuses and not act of outraging modesty, investigation is complete and charge sheet has already been filed, this court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail. Accordingly, the bail

application filed under Section 439 of the Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one local surety in the like sum to the satisfaction of the concerned trial court for his appearance as and when directed.

Sd/-

Manindra Mohan Shrivastava

Vacation Judge