

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4465 of 2017

- Anil Kumar Kashyap S/o Rameshwar Kashyap, Aged About 25 Years
R/o Village Kuriyari, Police Station Shivrinarayan, District Janjgir
Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Shivrinaryan
District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate
For Respondent/State	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 89/2017, registered at Police Station- Shivrinarayan, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376 and 450 of Indian Penal Code (for short 'IPC') and Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').
2. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. The prosecution has no reliable material to prove that the prosecutrix in this case was a minor on the date of incident. It is submitted that marriage of applicant and prosecutrix was negotiated and engagement was performed thereafter, applicant has

refused the marry with prosecutrix which has been the reason for lodging the FIR against the applicant. It is further submitted that as alleged in FIR the date of incident is 23.1.2017 whereas FIR has lodged on 25.4.2017, which is recorded after due deliberation, hence, prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that prosecutrix has made a categorical statement against the applicant in the investigation and before the Court, hence, for these reasons applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Considering the submissions made and contents of the case diary specifically the fact that FIR has been lodged almost after 3 months on the date of incident and there had been an antecedent of some marriage negotiation, which could not result in marriage of applicant and prosecutrix. Taking into consideration, I am of this considered view, that this is a fit case where applicant should be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge