

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.164 of 2018

- Rameshwari Kumari D/o Tiharuram Kashyap, Aged About 18 Years R/o Village Malda, Police Station Hasoud, Civil And Revenue District Janjgir Champa Chhattisgarh , Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Hasoud, District Janjgir Champa Chhattisgarh , Chhattisgarh

---- Respondent

For Petitioner	:	Shri D. K. Singh, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/03/2018

Heard.

1. The applicant in this bail application has been arrested in connection with Crime No.118 of 2017 registered in Police Station- Hasoud, District- Janjgir Champa (C.G.) for alleged commission of offence under Section 376, 313, 315, 109/34 of the IPC and Section 4 & 6 of POSCO Act.
2. Case of the prosecution, in brief, is that the prosecutrix, a minor, aged 14 years, was subjected to rape by the main accused Ganpat Kashyap. Allegation against the present applicant is that when main accused Ganpat proposed bad thing with the prosecutrix, the present applicant encouraged the prosecutrix to go along with Ganpat.
3. Learned counsel for the applicant would submit that the manner, in which, the prosecutrix had stated in her statement recorded under Section 164 Cr.P.C. before the Magistrate, alleged offence are not made out against the present applicant for that much of alleged overt act.
4. On the other hand, learned counsel for the State would submit that the

present applicant abated commission of offence by suggesting the prosecutrix to go along with the applicant.

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the alleged overt act on the part of the applicant and that allegation of commission of offence of rape on the other accused and the applicant is about 18 years of age, investigation is complete and charge sheet has been filed, the application is allowed.

6. It is directed that the applicant shall be released on bail on 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:

- (a) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (b) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
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