

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8103 of 2017

- Ashok Kumar Ravi S/o Indradev Aged About 20 Years R/o Chiniya P. S. Ramanujganj, Dist Balrampur Ramanujganj Chhattisgarh As Per Challan , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ramanujganj, District Balrampur Ramanujganj Chhattisgarh., Chhattisgarh

---- Respondent

MCRC No. 74 of 2018

- Mohhmmad Kaushar S/o Kamruddin Ansari, Aged About 22 Years R/o Udopara, Mahavirgunj, Post Chiniya, P. S. Ramanujganj District Balrampur Ramanujganj Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ramanujganj District Balrampur Ramanujganj Chhattisgarh , Chhattisgarh

---- Respondent

For Applicants	:	Mr. Jitendra Shrivastava and Mr. Pramod Shrivastava, Advocates.
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/03/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The above bail applications are applicant's first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of

regular bail to the applicants who have been arrested in connection with Crime No. 124/2017, registered at Police Station- Ramanujganj, District Balrampur Ramanujganj(C.G.) for the offence punishable under Sections 363, 366, 376, 506 and 34 of Indian Penal Code (for short 'IPC') and Section 4 of the POCSO Act.

3. Learned counsel for applicant Ashok Kumar Ravi in MCRC No.8103 of 2017 submits that applicant is innocent and has been falsely implicated in the crime in question and according to the evidence present in the charge-sheet, no offence is made out against him. Hence, it is prayed that he may be released on regular bail.
4. Learned counsel for applicant Mohammad Kaushar in MCRC No.74 of 2018 submits that although there is allegation of rape against this applicant, but the medical report does not support the allegation that any sexual intercourse had taken place with the prosecutrix in this case. No case is made out against this applicant. Hence, it is prayed that he may be released on regular bail.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the prosecutrix in this case is a minor girl aged about 12 years only and both the applicants were actively involved in the commission of offence. Hence, none of them are entitled for grant of regular bail.
6. Heard both the parties and perused the case diary.
7. The case of prosecution is this, that on 11.9.2017 applicant Md. Kaushar in MCRC No.74 of 2018 allured the prosecutrix by promising her to show something in the jungle. He took the prosecutrix to the jungle and there he committed rape with her. In the meanwhile, co-accused Ashok Kumar Ravi in MCRC No.8103 of 2017 is alleged to

have remained present as guard.

8. Perused the statement of the prosecutrix recorded under Section 164 of CrPC, according to which, on being called by applicant Md. Kaushar, she had gone to meet him. Applicant Ashok Kumar Ravi also came on the spot but he left before the offence was committed. Later on, after the commission of offence of rape applicant Md. Kausar received a phone call from Ashok Kumar Ravi. It was subsequent to that Ashok met with Md. Kausar, who asked him to stand as guard.
9. Considering the statement of the prosecutrix wherein she has made specific allegation against applicant Md. Kausar, I am of this view that applicant Md. Kausar is not entitled for grant of bail. However, considering the allegation levelled against applicant Ashok Kumar, I am of this view that he is entitled to be released on regular bail.
10. Accordingly, the bail application of applicant Ashok Kumar Ravi in MCRC No.8103 of 2017 filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned, for his appearance as and when directed.
11. So far as M.Cr.C. No.74/18 filed on behalf of Mohammad Kaushar is concerned, the same is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge