

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 1919 OF 2018

Ram Prasad Mourya S/o Mahadev Mourya, aged 27 years, R/o Village Jhartarai, Taraideng, District Bastar (CG).

... Applicant

Versus

State of Chhattisgarh, through PS Outpost Bastar, PS Kotwali, Distt. Jagdalpur (CG).

... Respondent

For Applicant	:	Shri Keshav Dewangan, Advocate.
For Respondent-State	:	Shri Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/05/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 15.02.2018 in connection with Crime No. 57 of 2018 registered at Police Station Kotwali Outpost Bastar for the offence punishable under Sections 376 IPC and Section 6 of POCSO Act.
2. The allegation against the applicant is that, the applicant is said to have ravished the prosecutrix, a minor girl, and in the course she got conceived and subsequently in the course of abortion done, she died. The present applicant has been implicated only on the basis of investigation conducted after the Merg was recorded and the name of applicant was stated by Hemlata, a friend of the deceased.
3. Learned Counsel for the applicant submits that except for the statement of said friend of the deceased, there is no material available on record with which the allegation of rape or any other

overt act on the part of the applicant has been established, and therefore he may be released on bail.

4. The State counsel on verification of the case diary does not dispute the same.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking in to consideration the entire facts of the case, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge