

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7578 of 2018

Shravan Kumar Vishwakarma S/o Shri Jagdish Vishwakarma, aged about 25 years, R/o Bade Salhi, Saanhandand, P.S. Khadgawan, District Koriya (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - P.S. Khadgawan, District Koriya (C.G.).

---Respondent

For applicant	:	Shri Pawan Shrivastava, Advocate.
For resp./State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/10/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.78/2018 registered at Police Station Khadgawan, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 376(2)(क) of IPC and under Sections 4 & 6 of POCSO Act, 2012 & Section 3 (2-5) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. Present applicant is in jail since 08/06/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have abducted the prosecutrix knowing fully well that she is a minor and took her to a different place and in between she has also been sexually ravished by the present applicant.
4. The counsel for the applicant submits that, it is a case where there was a love-affair between the prosecutrix and the present applicant and it was at

the insistence of the prosecutrix that everything happened and even the statement of the prosecutrix would establish the fact that the present applicant had never used any sort of force for having the physical relationship. He further submits that, except for the age, the entire case of the prosecution is in favour of the present applicant. He further submits that, the present applicant himself is a young boy aged around 25 years and therefore prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, the prosecutrix was a minor girl and therefore even if the relationship was made with the consent of the prosecutrix would not give any advantage to the present applicant who was otherwise major and thus prayed for rejection of the same.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the statement of the prosecutrix recorded under Section 164 of Cr.P.C. and considering the age of the applicant and the period of custody undergone, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE