

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1624 of 2019

- Kapil Agrawal @ Kapil Sharma @ Prashant @ Monu, S/o Ramesh Agrawal, aged about 24 years, R/o Hanuman Nagar, P.S. Gola Mandir, District- Gwalior (M.P.), at present R/o Gandhi Nagar, Rajabadi, House of Pradeep Bangali, Pandri, Police Station Civil Line, Raipur, District- Raipur, (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through- S.H.O., Police Station Civil Line Raipur, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/03/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 125/2018, registered at Police Station – Civil Line, Raipur, District- Raipur, (C.G.) for the offence punishable under Sections 366, 376, 506 B of IPC and Section 25 of Arms Act.
2. As per the prosecution story, at the relevant time, age of the prosecutrix is about 18 years. On 25.01.2018 a missing report of the prosecutrix has been lodged by father of the prosecutrix namely Sharad Dhande. During course of enquiry, prosecutrix was recovered on 07.02.2018 from the possession of present Applicant. Statement of the prosecutrix was recorded and on the basis of her statement, offence has been registered. The Applicant has been taken into custody since 08.02.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further states that prosecutrix is a major lady who developed a love relationship with the Applicant and due to which prosecutrix herself has left her house on her own will and also visited various places with the Applicant. Therefore, it is well established that prosecutrix is a consenting party. Applicant is in custody since 08.02.2018 and trial will take time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that prosecutrix has been examined before the Trial Court and in her statement, she has supported the case of the prosecution. It is further submitted by State Counsel that there is one another case of Crime No. 122/2018, Police Station Civil Line, Raipur, (C.G.) for the alleged offence under Sections 366, 376 of IPC and Section 4 of POCSO Act has already been registered against the present Applicant. In the said case it is alleged that the present Applicant has abducted and raped one minor girl aged about 13 years. Considering the above mentioned facts, bail application of the Applicant may be rejected.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the evidence adduced by the prosecution before the Trial Court, without further commenting on merits of the case, I am not inclined to release the Applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge