

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 607 of 2020**

Aman Kumar Tanwar S/o Pawan Singh Tanwar Aged About 20 Years R/o Village Matin (Lodibahara), Police Station Bango, District Korba, Chhattisgarh. **---- Applicant**

Versus

State of Chhattisgarh Through- Station House Officer, Police Station Bhatgaon, District Korba, Chhattisgarh. **---- Respondent**

For Applicant	:	Shri Nitesh Shrivastava, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/09/2020

1. Heard on application for grant of bail.
2. Father of the prosecutrix appears through video conferencing proceedings, he states that he has no objection to release the applicant on bail.
3. The applicant has been arrested on 13.07.2019, on the allegation of having committed offence under Sections 363, 366, 368, 376 of Indian Penal Code and Section 6 of POCSO Act. He moved this application for grant of bail in connection with Crime No.143/2019 registered at Police Station Bango, District- Korba, Chhattisgarh.
4. Prosecution allegation is that the applicant abducted and committed rape on the prosecutrix who is minor in age.

5. Learned counsel for the applicant would argue that the applicant has been falsely implicated. He would further submit that according to the prosecutrix own statement, she is having an affair with the applicant, therefore, it is clearly a case of consent. He next submits that till date the trial has not been concluded and the documentary evidence attached with the charge-sheet is highly doubtful. As the applicant has been remained in jail for last 14 months and trial has not been concluded, therefore, he may be released on bail.
6. On the other hand, learned State counsel submits that in the present case, though trial has not been concluded, the prosecutrix has been examined in trial Court and she has supported the case of the prosecution. He would further submit that though evidence with regard to the age of the prosecutrix has not been led before the trial Court till date, the documents attached with the charge-sheet are School Progress Card, *Kotwali Panji Register*, *Dakhil Kharij Register* which in the event found proved would make out strong case against the applicant, conviction on the alleged offences.
7. In the present case, the alleged offence against the applicant is under Sections 363, 366, 368, 376 of Indian Penal Code and Section 6 of POCSO Act. Till date, the trial has not been concluded and 14 months have elapsed. The charge-sheet shows that the prosecution has come up with documents School Progress Card, *Kotwali Panji Register*, *Dakhil Kharij Register* to prove that prosecutrix was minor at the time of alleged commission of offence but till date age evidence has been led for the reason that the trial has not been conducted because of the pandemic situation.

8. Taking into consideration the overall circumstances, though at this stage, I am not inclined to release the applicant on bail on the ground of pre-trial detention of 14 months. If trial does not commence/concluded and no evidence is led before the trial Court with regard to proof of age of the prosecutrix, the applicant would be at liberty to revive this application for grant of bail after three months. At this stage the application is dismissed with liberty to revive the application with aforesaid liberty.

Sd/-

(Manindra Mohan Shrivastava)

Judge