

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3896 of 2020

Rameshwar Kashyap, S/o Ganesh Ram Kashyap, Aged About 19 Years, R/o Village Vishrampuri, P.S. Bhanpuri, District- Bastar (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: The Police Station Kotwali, District- Bastar (C.G.)

--- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07/08/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 193/2020, registered at Police Station- Kotwali, District- Bastar (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 03.06.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The prosecution relies on the entry in the school register, which is not conclusive proof, otherwise the prosecutrix had been a

consenting party, which is reflected from the statement given by her in the investigation. Hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date of incident, therefore, willingness on her part, is immaterial. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, the prosecutrix and the applicant were acquainted with each other and had love affair between them. It is alleged that on 18.03.2020, the applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually on a number of occasions, which amounts to commission of offence of rape.
6. Considered on the submissions and the facts present in this case and also the statement that has been given by the prosecutrix in investigation, I am of the view that it would be proper to release the applicant on regular bail during pendency of trial against him, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial

Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun