

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4689 of 2020

Ramkaran Sahu S/o Dinesh Sahu Aged About 22 Years R/o Village Sakariya,
Junapara, Police Station Khadganwa District Koriya Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station
Khadganwa, District Koriya Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ram Sajivan, Advocate
For Respondent/State	:	Mr. Sudeep Agrawal, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/10/2020

Heard.

1. The applicant has been arrested in connection with Crime No.4 of 2020 (Special Criminal Case No.6 of 2020) registered at Police Station-Khadgawan, District Koriya (CG) for the alleged commission of offence under Section 376 of IPC and Section 4 of POCSO Act.
2. Case of the prosecution is that when the prosecutrix, a minor, was working in agriculture field, the applicant came from behind caught hold of her and committed rape and thereafter ran away.
3. Learned counsel for the applicant would submit that the prosecution story that the applicant catching hold of prosecutrix in broad daylight in the agriculture field, itself, highly improbable. He would next submit that the medical report which is part of the charge-sheet completely belied prosecution story because neither any injury have been found on any part of the body nor any injury on the private parts of the prosecutrix. He would next submit that in the alternative, even if it is a case of the prosecutrix that sexual intercourse was committed, it was a case of consent as the applicant and prosecutrix were seen in compromising situation by her brother, a report was lodged. He would further submit that the applicant is in jail since

07.01.2020 and though some of the witnesses have been examined, trial has neither been concluded nor likely to be concluded early because no trial is taking place due to pandemic situation. Therefore, at this stage, bail may be granted.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the prosecutrix has clearly stated regarding rape committed on her by the applicant on 07.01.2020 and it was followed by prompt FIR on the same day by the prosecutrix. He would next submit that it is not necessary that in all cases of rape, injury must be found. The prosecutrix was a minor girl, aged about 16 years and 11 months and she was overpowered by the applicant.
5. Taking into consideration the submission of learned counsel for the parties, specific allegation contained in the FIR and age of the prosecutrix and that the FIR was also promptly lodged, at this stage, I am not inclined to grant bail to the applicant. Therefore, the bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge