

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5355 of 2020**

- Ramayan Kashyap S/o Birbal Kashyap, Aged About 22 Years R/o Village Awrid, P.S. Navagarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Janjgir, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sumit Singh, Advocate.
For State	:	Mr. Ravish Verma, G.A.
For Objector	:	Mr. Vikash Pandey, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/10/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.186/2019 registered at Police Station- Janjgir, District : Janjgir-Champa, C.G. for the alleged commission of offence under Sections 363, 366 & 376 of IPC and Sections 4 & 6 of POCSO Act.
2. Prosecution case is that the applicant committed rape on the prosecutrix, who was minor in age on the date of alleged commission of offence.
3. Learned counsel for the applicant would argue that the applicant has been completely falsely implicated in the case at the instance of father of the prosecutrix because he caught the prosecutrix talking to the present applicant over mobile. He would submit that prosecutrix in her statement under Section 164 Cr.P.C. even before the Magistrate, has not at all involved the applicant and said that the applicant did not do anything to her and she had only talked to the applicant over mobile and there was no physical contact.
4. On the other hand, learned State Counsel opposes and submits that in the FIR and diary statement, allegation of rape is clearly stated by the prosecutrix

and therefore, looking to the nature and gravity of the allegation and age of the prosecutrix, the bail application may be rejected.

5. Learned counsel for the objector also supports the case of the prosecution and states that the prosecutrix was subjected to rape, therefore, the bail application may be rejected.
6. On *prima facie* considerations, it appears that when the prosecutrix was examined before the Magistrate under Section 164 Cr.P.C., she has not involved the present applicant and stated that she had only talked to the applicant over mobile and nothing else happened and she later on came to know that on allegation of rape, applicant has been arrested, therefore, considering the aforesaid material, present is a fit case for grant of bail to the applicant.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge