

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5525 of 2020**

- Ramkirtan @ Kirtan S/o Shyamlal Aged About 26 Years R/o Village Khokhara, Dharashiv Moda, P.S. Janjgir, District Janjgir Champa, Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through The Police Station Koni, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Kalyan Kalamkar, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.
For Objector	:	Shri Kundan Singh, Chief Legal Aid Defense Council, DLSA, Bilaspur with the informant / father of the prosecutrix present through Video Conferencing through Help Desk of DLSA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.124/2020 registered at Police Station – Koni, District – Bilaspur (C.G.) for alleged commission of offences under Section 363, 366, 376 (2) (ब) of IPC and Section 6 of the POCSO Act.
2. Case of the prosecution is that the prosecutrix, a minor, was abducted by the present applicant and the co-accused and it is alleged that the prosecutrix remained in the captivity of the co-accused who is alleged to have committed rape on the prosecutrix. According to the prosecution, on the date of alleged commission of offence, the prosecutrix was a minor.
3. Learned counsel for the applicant would argue that the statement of the prosecutrix clearly shows that the co-accused is the main accused who is alleged to have committed rape on the prosecutrix. He would submit that the role of the applicant is confined only in accompanying the main accused and the prosecutrix and the statement of the prosecutrix

has been that she voluntarily accompanied the co-accused as she was having an affair with him. He further submits that investigation is complete and charge sheet has been filed, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel and counsel appearing through Legal Aid for the informant submits that the role of the applicant is there in so far as abduction of the minor girl is concerned. It is argued that it was the motor cycle of the applicant in which, the prosecutrix was taken by the co-accused and as far as allegation of commission of rape is concerned, the present applicant was instrumental in abduction and facilitating commission of offence by the co-accused.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the allegation of commission of rape is on the co-accused and not on the present applicant and the applicant is involved on the basis of allegation that the prosecutrix was taken in the motor cycle driven by the present applicant accompanied by the co-accused as also considering that investigation is complete, charge sheet has been filed, I am inclined to grant bail to the applicant.

6. Accordingly, the 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 for 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 make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge