

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7622 of 2020

- Sanjay Kashyap S/o Late B.L. Kashyap Aged About 51 Years R/o Station Para Ward No. 11, Gali No. 4, Chikhali, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through In Charge, Police Station Kotwali, District Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rahul Agrawal, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-11-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 10.01.2020, in connection with Crime No.19/2020, registered at Police Station- Kotwali District- Rajnandgaon, C.G. for offence punishable under Sections 376, 506 (Part-2) of I.P.C., 1860 and Section 04 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. Totally false F.I.R. has been lodged by the prosecutrix after a delay of about more than 08 months. The applicant denies any physical relation with the prosecutrix, however, the facts of the case shows that the relation was consensual, therefore, the prosecutrix did not disclose about it to anybody until she gave birth to a child, which was abandoned by her. It was after the registration of case against the prosecutrix and others regarding abandoning the child, a false complaint was made against the applicant on the basis of which, this F.I.R. has been lodged. Therefore, the applicant has a good case to defend himself. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix is consistent in her statement against this applicant making allegations that he was the person, who has committed rape with her. Therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, in the month of March 2019 or April 2019, the applicant raped the prosecutrix and then he continued committing this offence with the prosecutrix for sometime. The prosecutrix gave birth to a child in December 2019, which was abandoned by her. Police has registered one offence for abandoning the newborn child against the prosecutrix and others. Subsequent to which, a written complaint was given on 10.01.2020 and then the F.I.R. was lodged. Hence, this case.
6. Considered on the submissions and the facts present in the case, the delay in lodging F.I.R. in this case needs explanation which may be from the prosecutrix in the trial and also looking to the registration of further offence and the development of things in the case, I am of this view that the applicant should be granted bail during the pendency of trial against him.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge