IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No. 2193 of 2020

Date of Decision: 29th December, 2020

Ashok Kumar **...Petitioner.**

Versus

State of Himachal Pradesh **...Respondent.**

Coram:

The Hon'ble Mr. Justice Anoop Chitkara, Judge.

Whether approved for reporting?[1] ***Yes***

For the petitioner: Mr. Karan Singh Kanwar, Advocate.

For the respondent: Mr. Suresh Chand Sharma, Senior Additional Advocate General with Mr. Nand Lal Thakur, Additional Advocate General.

COURT PROCEEDINGS CONVENED THROUGH VIDEO CONFERENCE

Anoop Chitkara, Judge (oral).

The petitioner, who is aged 25 years and arraigned as an accused for committing rape upon a minor girl aged 15 years and is now under incarceration, has come up before this Court seeking regular bail.

2. I have gone through the status report and heard learned counsel for the parties.

3. The status report reveals the age of the victim as 15 years. The investigation also reveals that seven boys on various occasions committed sexual intercourse with her. The petitioner is one of those persons. It is not a case, where the minor girl out of romantic love had consented to have coitus with her boyfriend and voluntarily slept with him.

4. Mr. Karan Singh Kanwar, learned counsel for the petitioner states that he wants to draw attention of this Court to certain evidence.

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

5. A perusal of the petition reveals that no such evidence is annexed with it. Therefore, in case the petitioner wants to refer to any evidence, then he may annex the same and cannot argue it in the present bail petition.

6. On merits, given the allegations levelled by a child aged 15 years alleging rape by as many as seven young males including the petitioner is not a case for bail. However, it shall be open for the petitioner to file a fresh bail petition placing on record the evidence, which he may refer to make out a case for bail.

The petition is disposed of in the aforesaid terms.

(Anoop Chitkara),
Judge.

29th December, 2020 (mamta)