

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8280 of 2020

Lakheshwar Kashyap, S/o Shrinath, Aged About 28 Years, Caste Muriya, R/o Kalipur Farsaguda Para, P.S. Parpa, District- Bastar (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Aarkashi Kendra Parpa, District- Bastar (C.G.)

--- Respondent

For Applicant : Mr. Vikas A. Shrivastava, Advocate.

For State/ Respondent : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05/03/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 224/2020, registered at Police Station- Parpa, District- Bastar (C.G.) for the offence punishable under Section 376 (d) of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 26.10.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the case of the prosecution, therefore, no case is left against this applicant. Hence, it is prayed that this

applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that there are other witnesses to be examined in the trial, who may establish the case of the prosecution. Hence, the application for grant of bail may be rejected.
4. Notice issued to the complainant was returned served for 18.02.2021, but there was no appearance and no representation on that date.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that co-accused Sunil Baghel firstly raped the minor prosecutrix. On subsequent incident, Sunil Baghel and another co-accused Golu both of them raped the minor prosecutrix. Subsequent to which, this incident of rape was repeated by Sunil Baghel along with other unknown persons, as a result of which, she became pregnant and gave birth to a child, regarding which, FIR was lodged.
7. Considered on the submissions and the facts present in this case. Perused the certified copy of deposition of the prosecutrix and it is found that she has not made a single statement against this applicant in her deposition before the Court. Looking to this development, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun