

(2018) 05 CHH CK 0121

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 1919 Of 2018

Ram Prasad Mourya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 15, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 376
- Protection Of Children From Sexual Offences Act, 2012 - Section 6

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Keshav Dewangan, Adhiraj Surana

Final Decision: Allowed

Judgement

P. Sam Koshy, J

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 15.02.2018 in connection with Crime No. 57 of 2018

registered at Police Station Kotwali Outpost Bastar for the offence punishable under Sections 376 IPC and Section 6 of POCSO Act.

2. The allegation against the applicant is that, the applicant is said to have ravished the prosecutrix, a minor girl, and in the course she got conceived

and subsequently in the course of abortion done, she died. The present applicant has been implicated only on the basis of investigation conducted after

the Merg was recorded and the name of applicant was stated by Hemlata, a friend of the deceased.

3. Learned Counsel for the applicant submits that except for the statement of said friend of the deceased, there is no material available on record with

which the allegation of rape or any other overt act on the part of the applicant has been established, and therefore he may be released on bail.

4. The State counsel on verification of the case diary does not dispute the same.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking in to consideration the entire facts of the case, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.