

State v. Ramprakash Pandey @ Shintoo
CIS-SC No. 126/17
FIR No. 1658/16
PS : Mehrauli

13.03.2018

File is taken up today on an application u/s 439Cr.P.C. moved on behalf of accused for grant of bail.

Present : Mr. Inder Kumar, Special Public Prosecutor for the State.
Mr. Pankaj Shrivastav, Counsel for the accused.

Arguments on bail application heard.

Counsel for accused has argued that accused has been falsely implicated in the present case. He has submitted that there was landlord tenant dispute between the parties and since the victim did not want to pay the rent, therefore a false story has been concocted by the victim and she has made false allegations against the accused. He further submitted that there are contradictions in the testimony of victim which render her testimony unreliable. He further submitted that the victim was a minor girl at the time of commission of alleged offence and from her evidence, it is revealed that she did not make any protest if she was allegedly raped by the accused. He further submitted that the victim has already been examined and hence there is no possibility of influencing her or tampering with prosecution witnesses as remaining witnesses are only formal witnesses. He further submitted that accused has no previous criminal antecedent and he is in judicial custody since 23.12.2016 and considering the period of custody, he may be released on bail.

Contd.....

Per contra, Ld. SPP has opposed the bail application contending there are serious allegations of rape against the accused upon a minor girl.

I have considered the submissions and perused the record.

As per prosecution case, the victim who was a girl child of 17 years 08 months at the time of commission of alleged offence was raped by the accused. The victim who has been examined as PW-1 has stated that accused used to do sexual intercourse with her when her mother used to be out of the house. I have gone through the testimony of the victim. Though at this stage, it cannot be critically evaluated as it may affect the merits of the case. Since the victim has been examined as PW-1 and now there is no possibility of influencing her and accused is in judicial custody since 23.12.2016 and further conclusion of trial may take some time and the remaining witnesses are only formal witnesses.

In the overall facts and circumstances of the case, the application for bail moved on behalf of accused is **allowed** and it is directed that accused Ramprakash Pandey @ Shintoo be released on bail subject to his furnishing a personal bond in the sum of **Rs.40,000/-** with one surety of like amount. This order is also subject to the condition that after release on bail, the accused shall not contact with victim or any other prosecution witness or try to influence them.

Put up on the date fixed.

(B. R. Bansal)
ASJ-01/Special Court (POCSO)
South/Saket/New Delhi
13.03.2018