

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5684 of 2015

1. Vinay Prajapati, S/o. Ram Prasad, aged about 26 years, R/o. Ranka, Nawadihiri, PS Ranka, District Gadwa (Jharkhand)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station Ramanujganj, District Balrampur - Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

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.59/2015, registered at Police Station – Ramanujganj, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366 (क) & 376 of Indian Penal Code and Section 4 of the Prevention of Children From Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that the father of the prosecutrix lodged a missing report of the prosecutrix on 18.05.2015 stating that the prosecutrix informed the parents that she is going to attend the house inaugural function of her friend but she did not return. During the investigation it was found that the prosecutrix was accompanied with the applicant at various places and consequently intercourse was committed on her on 27.05.2015.

3. Learned counsel for the applicant would submit that as per Aadhaar card, which is filed as Annexure A/2, the date of birth of the prosecutrix is 12.02.1997, therefore, on the date of incident, she would be 18 years and 2 months. He would further submit that considering the statement of the prosecutrix and the medical report, it would be clear that she was consenting party, therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the statement of the prosecutrix and the fact that the prosecutrix had went at many places alongwith the applicant, and the medical report which also do not find any definite opinion and considering the fact that the charge sheet has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge