

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3702 of 2017

- Hemant Dewangan S/o Malik Ram Dewangan Aged About 21 Years R/o Village Sakri, Police Station - City Kotwali, Baloda Bazar, Civil & Revenue District - Baloda Bazar -Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station-Bhatapara (Gramin), Civil And Revenue, District Baloda Bazar - Bhatapara, Chhattisgarh.

-----Respondent

For Applicant : Shri JR Verma, Advocate.

For Respondent : Shri DR Minj, Dy. Govt. Advocate for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 15.06.2017.

This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.03/2017 registered at Police Station Bhatapara (Gramin), Distt. Baloda Bazar Bhatapara for the offence punishable under Sections 363, 366(A), 376 of the Indian Penal Code and under Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

2. As per the case of the prosecution, present applicant, who was well aware of the fact that prosecutrix was a minor girl, said to have eloped with her and maintained physical relationship with her.

3. Learned counsel for the applicant submits that it is a case where the applicant and the prosecutrix had an affair for a considerable time. In the statement recoded under Section 164 of Cr.P.C., the prosecutrix accepted the fact that she had voluntarily gone along with the applicant and had physical

relationship with him. As per the case diary, date of birth of the prosecutrix is 10.3.2000 which would show that on the date of incident, the prosecutrix was aged more than 17 years.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that on the date of incident, the prosecutrix had not attained the age of majority and her consent has no consequence.

5. I have heard the counsel appearing for the parties.

6. In view of the aforesaid facts and circumstances of the case, particularly taking note of the statement of the prosecutrix recorded under Section 164 of Cr.P.C. and stand of the prosecutrix where she admits that she had voluntarily gone with the applicant and had physical relationship with him and also considering the fact that the applicant and the prosecutrix had affair for a considerable period of time, 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 the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two solvent sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge