

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6026 of 2017**

Devsharan, S/o. Hemant Kanwar, aged about 20 years, R/o. Katinanda Uparpara, Outpost – Chendra, Police Station – Jhilmili, District – Surajpur (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station - Jhilmili, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate
For Respondent/State : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/11/2017**

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.88/2017, registered at Police Station – Jhilmili, District – Surajpur (C.G.) for the offence punishable under Section 363, 366 (A), 376 of Indian Penal Code and Section 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. Earlier the father of the prosecutrix Ganga Prasad @ Chetan was prosecuted for offence

under Section 302 of I.P.C. in that case, the applicant had been a witness on account of which family of the applicant and prosecutrix have previous enmity between them. It is further submitted that FIR in this case was registered 9 months after the date of so called incident, hence, the applicant is falsely implicated, the case has been investigated and charge-sheet is filed, trial of the case is likely to take some time, hence for this reason, it is prayed that applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix had been of age of 15 years, five months and 20 days at the time of incident. Applicant continued to had physical relation with minor prosecutrix until, she conceived and gave birth to a male child, on that occasion, the applicant fled from the village, hence, the case against the applicant is made out, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considering the submission made, the contents of the case diary and the documents along with the application and taking into consideration this fact that when the applicant refused to marry with the prosecutrix, FIR has been lodge, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram