

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6803 of 2017

- Balvindar Lahre S/o Chaitram Lahre Aged About 23 Years R/o Village Godhikala, Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Poilice Of Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Respondent

For Applicant	:	Mr. Manoj Chouhan, Advocate
For Respondent	:	Mr.Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/12/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 18/2017, registered at Police-station-Pattalgaon, District – Jashpur(C.G.) for the offence punishable under Sections 363, 366 & 376(ॢ) of Indian Penal Code (for short 'IPC') and Section 3, 4 of Protection of Children from Sexual Offences Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 10.4.2017. The prosecutrix in this case was not a minor on the date of incident and that she had been a consenting party, hence, it is prayed that she may be enlarged on bail.
3. Learned State counsel opposes the prayer for grant of bail, however,

he would submit, that there is clear statement of commission of offence against the applicant given by the witnesses. The prosecutrix in this case had been a minor on the date of incident. Hence, any consent by her would be regarded as immaterial, for these reasons, applicant is not entitled for grant of bail.

4. Heard both the parties and perused the case diary.
5. The fact of the case are these, that the prosecutrix went missing on the date of incident, who returned after few days, thereafter, the father of prosecutrix lodged FIR against the applicant. Prosecutrix gave statement before the police, that applicant had committed sexual intercourse with her on various occasions when she was with him. The date of birth of the prosecutrix was found in the investigation to be 30.12.2000. On the basis of these fact, the case has been registered against the applicant.
6. Considering the submissions made and the contents of the case diary, and also taken into consideration, no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is a fit case for grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge