

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. 152 of 2018

- Karamsewak Kujur S/o Girish Kujur, Aged About 23 Years R/o Village Jamwantpur, P. S. Ramanujganj District Balrampur Ramanujganj Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ramanujganj District Balrampur Ramanujganj Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri A. N. Pandey, Advocate.

For the Respondent/State : Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.02.2018

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. 94/2017, registered at Police Station – Ramanujganj, District – Balrampur- Ramanujgan, (C.G), for the offences under Section 363, 366, 376 of the Indian Penal Code and Section 5 and 6 of Protection of Child From Sexual Offences.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 17.06.2017. The prosecutrix in this case is major, her age is

above 18 years and she was consenting party also, no case is made out against this applicant, on the basis of material present in the charge- sheet, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that the age of prosecutrix on the date of incident was below 18 years, she was exploited sexually by the present applicant, hence, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The allegations against this applicant is that on 01.01.2015 the applicant called the prosecutrix in his photo-studio and by alluring her with promise to marry her, he forced her to submit to sexual intercourse with him thereafter, on other occasions as well, he called the prosecutrix in his photo-studio and committed rape with her. On 10.06.2017 again the applicant by force took the prosecutrix and committed rape with her. And then he made the prosecutrix board a bus to Ambikapur and then the applicant met with the prosecutrix in Ambikapur, where both of them stayed for 2 or 3 days. After coming back, the prosecutrix was recovered from the custody of the present applicant. Father of the prosecutrix lodged FIR against this applicant.
6. Considering the submissions made, contents of the case diary and taking into consideration that the applicant is a local resident, his availability before the trial Court shall not be compromised, if he is released on bail, looking to the facts and

circumstance of this case, I am of the view that it is a fit case where the applicant is entitled for grant of 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 his 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 his appearance as and when directed.

Sd /-
(Rajendra Chandra Singh Samant)
Judge