

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7766 of 2017

- Daya Kanwar S/o Amar Singh Aged About 25 Years R/o Village Tunguri, Piparpara, Police Station Darima, District Surguja Chhattisgarh., Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Udaipur, Chowki Kedma, District Surguja Chhattisgarh., Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava
Advocate.

For the Respondent/State : Shri Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24.01.2018

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. 58/2017, registered at Police Station – Udaipur, Chowki

Kedma, District – Surguja (C.G), for the offences under Sections 376 (2) (ढ), 506 – B of the Indian Penal Code and 5 (ढ) read with Section 6, Section 5 (ऑ) (ii) read with Section 6 of the POCSO Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The prosecutrix in this case had not been minor on the date of incident. The age of the prosecutrix entered in the school register is not a conclusive proof. It is further submitted that the prosecutrix had a love affair with the present applicant and is presently living in the house of the applicant with a child and the applicant is the father of the child. Looking to these developments of things, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and the submission made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. As per the case since 16.10.2015 the applicant allured the minor prosecutrix with promise to marry her and exploited her sexually. Subsequently, when the prosecutrix became pregnant he refused to marry and threatened her, therefore, FIR has been lodged.
6. Considered on the submissions made by learned counsel, contents of the case diary and also perused the documents present on record and looking to the facts 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

Jamal