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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 854 of 2018**

Ramsai S/o Shivnath Ram, Aged About 21 Years R/o Village Ranpurkala, Police Station Gandhinagar, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Gandhinagar, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri R.V. Rajwade, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.02.2018**

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.379 of 2017, registered at Police Station Gandhinagar, District – Surguja, Chhattisgarh for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Sections 5(th)/ 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.10.2017 and he has been falsely implicated in this case. The age of the prosecutrix on the date of incident was 18 years. The reliance of the prosecution on the school register is not a conclusive piece of evidence, it appears that she had been a consenting party throughout. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was 16 years on the date of incident. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the FIR lodged by the prosecutrix on April 2016, the applicant allured her with a promise to marry her and had sexual intercourse with her on various occasions. Subsequently, when the applicant refused to marry the prosecutrix, then she has lodged FIR against him.

6. Taking into consideration the facts and circumstances of the case and the applicant is a local resident of District Surguja and there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

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 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