

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1458 of 2018

- Santosh Verma S/o Shri Rajesh Verma Aged About 21 Years R/o- Ward No. 15, Khamhariya, Police Station- Khamhariya, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Police Station- Than Khamhariya, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vaibhav Goverdhan, Advocate
For Respondent/State	:	Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

13/04/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.83/2017 registered at police station Khamariya District Bemetara (CG) for the offence punishable under Sections 363,366 and 376 IPC & Section 5 (I) & 6 of the Protection of Children from Sexual Offences Act .

Counsel for the applicant submits that there is inordinate delay of about 10 days in lodging the FIR and during this period the prosecutrix visited several places along with the applicant. He further submits that the age of the prosecutrix is 19 years and considering the facts and circumstances of the case it is quite apparent that she was a consenting party. Lastly it has been argued that even in the court important witnesses including the prosecutrix have turned hostile.

On the other hand, learned counsel for the State opposes the bail application however he does not dispute the factual position.

Considering the totality of the facts and circumstances of the case, in particular the delay in lodging the FIR and the statement of the prosecutrix, I am inclined to release the applicant on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Pritinker Diwaker)
Judge