

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1890 of 2018**

Sunny Sunani S/o Late Padma@ Padman Sunani Aged About 18 Years R/o Housing Board, B S U P Colony, Khalbada, Saddu, Block No. 33, House No. 44, Vidhansabha, Raipur District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Vidhansabha, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Lav Sharma, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.04.2018**

Heard.

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.81 of 2017, registered at Police Station Vidhansabha, District – Raipur, Chhattisgarh for the offence punishable under Sections 376(2)(i) and 506 of the Indian Penal Code and Sections 4 and 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 11.4.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. It is also submitted that the age of the prosecutrix,

at the relevant time, was above 18 years and she was 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.

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

5. According to the prosecution case, about one year prior to lodging of FIR i.e. on 11.4.2017, the applicant allured the prosecutrix with a promise to marry her and exploited her sexually on various occasions because of which, she became pregnant. Subsequently, when the applicant refused to marry the prosecutrix, then she has lodged FIR against him.

6. Considered the contents of the case-diary and also perused the certified copy of the order passed by the Sessions Court. It is mentioned that an affidavit was filed by the prosecutrix herself and her mother stating that the age of the prosecutrix was above 19 years on the date of incident. The prosecutrix also stated in her statement under Section 161 of the Cr.P.C. that she had love affair with the applicant. Hence, for these reasons, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his 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

Nimmi