

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2438 of 2018

- Sujit @ Satish S/o Chelik Ram Aged About 23 Years R/o- Village- Kalambhatapara Barsoor, P.S.- Barsoor, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- Respondent

For Applicant : Mr. P.R. Patankar, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/05/2018

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.5/2018, registered at Police Station– Barsoor, District– Dantewada(C.G.) for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code (for short 'IPC') and Section 4 of POCSO Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 26.2.2018. No case is made out against this applicant according to the material present in the charge-sheet. The prosecutrix and this applicant had love affair and were living together from quite some time.

The real mother of applicant Smt. Ramdei and Sukmati the aunt of the prosecutrix have given affidavit before the Sessions Court, that they have no objection, which was not considered by the Sessions Court. Applicant still want to continue relation with the prosecutrix. Hence, it is prayed that bail be granted.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix is a minor, therefore, any consent given by her or any submission made by her is of no consequence, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, this applicant abducted the minor prosecutrix and established physical relation with her on number of occasions because of which she became pregnant and gave birth to a child. The child could not survive after one month. Complainant Rati Ram has objected to this relation of the applicant and prosecutrix and lodged FIR. Hence, this case.
6. Considered on the material present in the case diary, there is mention of affidavit filed by Ramdei and Sukmati in the order passed by the Sessions Court the Radiologist report shows, that the age of prosecutrix about is 18 to 20 years, hence, it appears that this applicant has a good case to defend himself. For this reason, I am of this opinion that this is a fit case where the applicant should be enlarged on regular 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 him 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 him

appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha