

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7713 of 2017**

Ramkumar Gaikwad @ Budhu, S/o. Shri Ashok Kumar Gaikwad, Aged About 19 Years, R/o. Village Nakti, Police Station -Mana District -Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Dharsiva, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Arpana Singh, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/02/2018**

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.546/2017, registered at Police Station – Dharsiva, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Prosecutrix had

been consenting party throughout, when she accompanied this applicant to go to various places and also for submitting herself to physical relationship. The age of the prosecutrix as per Aadhar Card is 05.10.1998, whereas school records shows a later date, hence, the ground for prosecution regarding the age of the prosecutrix is without any substances, applicant is in jail since 11.11.2017, he is ready to abide by all the conditions which may be imposed while releasing him on bail, therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As the case is, the prosecutrix aged below 18 years, on the inducement given by the applicant, left her maternal home with this applicant and while staying in the house of the applicant both of them had physical relationship on various occasions, prosecutrix was recovered from the custody of the applicant on 14.11.2017, thereafter FIR was lodged.
6. Considered the submissions made and the contents of the case diary. On perusing the statement of the prosecutrix recorded under Section 164 of Cr.P.C., arguments submitted on behalf of the applicants finds some support in this statement, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram