

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2758 of 2018**

Shivkumar, S/o. Raghubaran, Aged About 20 Years, R/o. Kanaknagar, Police Station and Tahsil Pratappur, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Pratappur, (IUCAW/SPR), District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahul Mishra, Advocate
For State/respondent	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/06/2018**

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.21/2018, registered at Police Station – Pratappur (IUCAW/SPR, Surajpur), District – Surajpur (C.G.), for the offence punishable under Section 376 and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 22.02.2018. Charge-sheet has been filed after completion of investigation. Prosecutrix in this case is minor girl and the relation with the prosecutrix of this applicant was on the basis of her consent. The only grievance of the prosecutrix is this that this applicant has refused to marry her because of which, false FIR has been lodged. 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 per the prosecution case, relation of the applicant and prosecutrix started from 08.03.2016 and continued just before 20.02.2018 when written complaint was filed. According to the complaint, this applicant exploited the prosecutrix when she was a minor and when she became pregnant, the applicant refused to keep her and marry her. Hence this case.
6. Considered on the submissions made and the contents of the case diary. Considered on the entire material present in the case diary and further taking into consideration all the facts and circumstances of the case, 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