

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4009 of 2018

Devendra Kumar S/o Kunwar Sai, aged about 24 years, Caste Kanwar, Occupation- Agriculture, R/o Village Amarpur, PS & Tahsil Kusmi, Distt. Balrampur- Ramanujganj (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer, Police Station Kusmi, Distt. Balrampur- Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25/07/2018

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 24/2018 registered at Police Kusmi, Distt. Balrampur (C.G.) for the offence punishable under Section 376 (2) (ॢ) and Section 5 ॢ /6 of the POCSO Act.
2. As per prosecution story the prosecutrix, a major lady aged about 21 years lodged a report against the applicant to the effect that in the year 2009 the prosecutrix who was minor at the relevant time fall in love with the applicant and thereafter, on the false pretext of marriage from 2009 to 2014, the applicant used to commit sexual intercourse with her and as a result of which she got pregnant and gave birth to a child on 18/01/2015 and thereafter, the applicant fled away. On the basis of

above report, offence was registered and the applicant was taken into custody on 25/04/2018.

3. Learned counsel appearing on behalf of the applicant submits that the prosecutrix is a major lady, there was love relation between both of them, the alleged offence was committed in the year 2009 and there is inordinate delay in lodging the FIR. He further submits that the applicant is in custody since 25/04/2018 and charge-sheet has been filed, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that the incident is of the year 2009, the prosecutrix is a major lady, there was love relation between both of them and the applicant is in custody since 25/04/2018, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs.20,000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
Judge
Arvind Singh Chandel