

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7313 of 2017**

Vinod Lahre @ Bunt, S/o. Ramcharan Lahre, Aged About 20 Years, R/o. Village- Dodki, Police Station -Sakti, District -Janjgir-Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station - Sakti, District -Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/01/2018**

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.171/2017, registered at Police Station – Sakti, District – Janjgir – Champa (C.G.) for the offence punishable under Section 376, 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case by the father of the prosecutrix. It is submitted that applicant and prosecutrix had love affair between them, the age of the prosecutrix is above 18 years. It is

further submitted that in the present development of things, the marriage of applicant and prosecutrix has been negotiated and fixed by the families of both the parties and it is also submitted that in the statement before the trial Court, prosecutrix and her father have supported the applicant's case, trial of the case is likely to take sometime, applicant is ready to abide by all the conditions as imposed while granting 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 submissions made in this respect. It is submitted that according to the admission register, the age of the prosecutrix is still below 18 years, hence, the question of her marriage at this stage does not arise. Looking to the case against the applicant, he is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. A written complaint was filed by the prosecutrix on 03.07.2017 alleging in it that applicant on the pretext of marrying the prosecutrix, had committed sexual intercourse with her on various occasions during 14.05.2017 to 22.06.2017. Thereafter, when he refused to marry the prosecutrix, she informed about the incident, thereafter, the FIR was lodged.
6. Considered on the submissions made and the contents of the case diary. Taking into consideration the over all 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