

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7359 of 2017**

Sonu @ Namit Mojes, S/o. Nagesh Mojes, Aged About 19 Years, R/o. Village – Mahuakhar, Village Panchayat - Ranisagar, Police Station - Kota, Civil and Revenue District -Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through :Police Station -Kota, District -Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/01/2018**

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.200/2017, registered at Police Station – Kota, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant is aged about 19 years and he has been falsely implicated in

this case. It is submitted that the prosecutrix had been above 18 years on the date of incident and she and applicant had love affair and she willingly accompanied to the places, where both of them had consensual sexual intercourse. 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 age of the prosecutrix on the date of incident was 17 years, therefore, no question of consensual sexual intercourse was arisen in this case, therefore, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that the applicant and the prosecutrix had affair between them, applicant emotionally blackmailed the prosecutrix and then took her to the house of his friend, where he had sexual intercourse with her on several occasions. The age of the prosecutrix has been found in the investigation to be of 17 years, hence, the case was registered against the applicant.
6. Considered the submissions made and the contents of the case diary. On perusing the statement of the prosecutrix under Section 164 of Cr.P.C., 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