

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7475 of 2017**

Awadh Ram Netam S/o Rajaram Netam, Aged About 25 Years R/o Village Badal, Police Station Narharpur, District North Bastar Kanker Chhattisgarh, Civil And Revenue District North Bastar Kanker Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Narharpur District North Bastar Kanker Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Shrivastava, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.01.2018**

Heard.

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.55 of 2014, registered at Police Station – Narharpur, District – North Bastar, Kanker, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 6.10.2017 and has been falsely implicated in this case. The applicant and the prosecutrix in this case have a love affair between them since 2012, because of which they had physical relationship based on consent. On two

prior occasions, upon which the prosecutrix became pregnant and her pregnancy was medically aborted both the times. Thereafter, the applicant refused to marry the prosecutrix. She has lodged false FIR against him. The applicant is a local resident and he is ready to abide by all the conditions imposed on him. Hence, it is prayed that the applicant 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 the age of the prosecutrix in the year 2012 was below 16 years according to school records and also on the basis of the report of ossification test, hence, after the amendment of 2013, the age of consent having been raised upto 18 years, the act committed by the applicant amounts to rape. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecutrix has lodged FIR on 27.3.2014 stating in it, that the applicant allured her by making false promise to marry her and exploited her sexually in the year 2011-12, because of which she became pregnant twice and her pregnancy was aborted. Subsequently, on her demand to the applicant to marry her, the applicant plainly refused her, because of which, the FIR has been lodged.

6. Considering the submissions and the contents of the case-diary, and the nature of the case against the applicant and also that the applicant is a local resident of P.S. Narharpur, District North Bastar and there shall be no

difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge