

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7890 of 2017**

- Ravindra Kumar S/o Ramchandra Kumar, Aged About 27 Years, R/o Raipurnaka, Ahead of Shiv Mandir, Ward No. 47, Durg, Tehsil And District Durg Chhattisgarh , Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through P. S. Durg, Chowki Padmanabhpur, District Durg Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Mr. Anmol Sharma, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****05-03-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 30-01-2017 in connection with Crime No.64/2017 registered at P.S. Durg, Chowki Padmanabhpur, District Durg, Chhattisgarh for the offence under Section 376, 506B of the IPC and Section 5 and 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 30-01-2017. No case is made out against this applicant on the basis of material present in the charge sheet. Further, the prosecutrix and other witnesses who have been examined before the trial Court have not supported the case of prosecution. It is also submitted that the trial against this applicant is likely to take quite some time. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that age of the prosecutrix on the date of incident was below 18 years, hence, consent given by her or submission made by her for physical relation is immaterial. Hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. The case of prosecution is this, that the applicant and the prosecutrix had acquaintance and some affair between them two to three years prior to the date of lodging the FIR and due to physical relation between them, the prosecutrix became pregnant. Father of the prosecutrix lodged the FIR on 29-01-2017 alleging rape against this applicant. Hence, this case.
6. Considered on the submissions made and contents of the case diary.
7. Considered on the material present in the case diary. As the applicant is in jail since more than one year, the trial against him is still not concluded, and looking to the number of witnesses in the witnesses list of the prosecution case, it appears that the trial is getting delayed, I am of this view that the applicant should be released on bail during pendency of the trial against him.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge