

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8026 of 2017**

Jitendra Singh, S/o. Barati Singh, Shyamlal Markam, Aged About 19 Years,
R/o. Village Nagra, Korwapara P. S. Ramanujganj, District Balrampur
Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : P.S. Ramanujganj, District -Balrampur,
Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/03/2018**

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.24/2017, registered at Police Station – Ramanujganj, District – Balrampur – Ramanujganj (C.G.), for the offence punishable under Section 363, 366, 376 (2) (n) of Indian Penal Code and Section 5 (1) & 6 of the Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant and the prosecutrix have love affair because of which, prosecutrix was willing

party in accompanying the accused person. On the date of incident, she willingly stayed with the applicant till the date of her recovery. Prosecutrix has filed FIR being compelled by her parents. No case is made out against this applicant on the basis of the material present in the charge-sheet. Therefore, the counsel prays that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that on the date of incident, the prosecutrix was below 18 years, hence any consent given or willingness shown by her is immaterial, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution in brief is that the prosecutrix went missing on 15.02.2017 and the missing report was lodged by the father of the prosecutrix. Subsequently, the prosecutrix was recovered in the custody of this applicant on 21.02.2017. Charge-sheet in this case has been filed after completion of investigation against this applicant.
6. Considered the submissions made and the contents of the case diary. One of the grounds on which the bail is prayed for is this that almost one year has passed in jail of this applicant and after filing of the charge-sheet against him, even today, the prosecutrix has not been examined before the trial Court, though number of opportunities were given to her to give her appearance before the concerned trial Court. Perused the copy of the order sheet of the concerned trial Court of the concerned case. Hence, apparently there appears to be a delay in

conclusion of trial against this applicant, hence, looking to the length of period, the applicant is in jail and that trial against him is likely to take sometime for its conclusion, 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 their 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