

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7993 of 2017

- Ramnath Yadav S/o Chaitram Yadav, Aged About 20 Years, R/o Village Kansamar, P. S. Katghora, District Korba Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Ajak District Korba Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Akhtar Hussain, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-02-2018

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 21-06-2017 in connection with Crime No.189/2017 registered at P.S. Ajak, District Korba, Chhattisgarh for the offence under Section 376 of the IPC and Section 3(2)(V) of SC/ST Act and Section 04 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant and the prosecutrix had love affair and it was when the prosecutrix attained the age of majority, the prosecutrix had physical relationship, on account of which, she became pregnant. It is alleged that this applicant refused to marry the prosecutrix which had been the reason for lodging of false FIR against this applicant. No case is made out against him. 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 according to the date of birth of the prosecutrix, on the basis of entry in the school register, she was about 15 years on the date of incident, i.e., two years prior to the lodging of the FIR dated 21-06-2017. Hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. The FIR was lodged on 21-06-2017 by the prosecutrix stating that she and the applicant had love affair and on the pretext of marriage the applicant got her submission for sexual intercourse on various occasions while the prosecutrix was minor, below 18 years of age. On the date of lodging of the FIR she was carrying pregnancy of about 6 months. A social caste meeting was called after disclosure to the parents by the prosecutrix that she was pregnant, in which, the applicant refused to have the prosecutrix as his wife, because of which, the complaint was made.
6. Considered on the submissions made and the contents of the case diary.
7. Considered on the material present in the charge sheet and also perused certified copy of the statement of the prosecutrix before the trial Court which is attached with the application filed. Taking into consideration all the material present, 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