

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1050 of 2019

- Shekhar Jagane S/o Shankar Jagane, Aged About 22 Years, R/o Room No.19, Block No.10, B.S.U.P. Colony, Saddu, Khalbada, Post Office and Police Station Vidhan Sabha, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Vidhan Sabha, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Mahesh Mishra, Panel Lawyer.

Shri Amit Kumar, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-03-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second application before this Court filed by the applicant for grant of regular bail. His first application before this Court, MCRC No.4997 of 2018 was dismissed as withdrawn on 09-08-2018. The applicant has been arrested on 04-06-2018 in connection with Crime No.203/2018 registered at P.S. - Vidhan Sabha, District Raipur, Chhattisgarh for the offence under Section 376, 342 & 506 of the IPC & 4 of the Protection of Children from Sexual Offences Act, 2012 (as per charge sheet).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. It is submitted that in the present development of circumstances, the prosecutrix in this case, who is now a major girl, has agreed to marry with the applicant, regarding which an application was filed before the Court below which was not entertained. The prosecutrix is present before this Court to make statement in this respect. Therefore, for the reason that the applicant and the prosecutrix are going to marry each other, it is

prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that at the time of the incident, the prosecutrix was a minor and according to her statement given under Section 161 and 164 of the Cr.P.C., she was not a consenting party, therefore, the application may be rejected.

4. Learned counsel for the complainant submits that the prosecutrix is present before this Court to make a statement regarding compromise with the applicant.

5. The prosecutrix is present in person before this Court who has been identified by her counsel. She states before the Court that she wants to marry the applicant, for which an application was filed before the Court below which was not entertained and also submits that she has no objection if the applicant is granted bail.

6. Heard learned counsel for the parties and perused the case diary.

7. Without going into the merits of the case, for the reason that the prosecutrix who is now a major girl has come forward and made a statement before this Court regarding her agreement to marry the applicant, I feel inclined to allow this application.

8. Consequently, the 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