

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3927 of 2019**

Karmu Das, S/o. Sahadur @ Sahdev Das, Aged About 24 Years, R/o. Village Jaypur, Police Station -Darima, District- Surguja, Chhattisgarh.

---- Applicant***Versus***

State Of Chhattisgarh, Through : The Police of Police -Station Batouli, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Govind Dewangan, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/07/2019**

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.69/2017, registered at Police Station – Batouli, District – Surguja (C.G.) for the offence punishable under Section 363, 366 & 376 (2) (द) of the Indian Penal Code and Section 5 (1) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 08.02.2019. The prosecutrix was of age above 18 years and she was a consenting

party. Further the applicant and the prosecutrix are married and are having a child. The prosecutrix has appeared before the Court below and had made statement of no objection in grant of bail to the applicant, which has not been considered. Therefore, it is prayed that the applicant may be enlarged on regular 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 on the date of incident, the prosecutrix was minor of age below 18 years, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix was minor of age about 17 years on the date of incident. She was allured with promise to marry and then abducted by the applicant. During the period of incident, the applicant had physical relation with her, which amounts to commission of offence of rape. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After considering on the material present in the case diary and also perused the statement of prosecutrix recorded under Section 164 of Cr.P.C. Further as it is mentioned in the rejection order of the Court below the prosecutrix has no objection in grant of bail to the applicant, therefore, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram