

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4351 of 2019**

Ankit Pansari S/o Shri Kanhaiya Lal Pansari Aged About 20 Years R/o Baniyapara Ward Dhamtari, Thana, Tahsil And District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Dhamtari, Civil And Revenue District Dhamtari Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Shrivastava, Advocate.
For the Respondent/State : Shri Chandrabhushan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.08.2019**

Heard.

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.173 of 2019, registered at Police Station – Dhamtari, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 376 and 506 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.4.2019 and has been falsely implicated in this case. No case is

made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix in this case is a consenting party and she was competent to give her consent on the date of incident. The applicant has already married the prosecutrix and he is still willing to lead a married life with the prosecutrix. Hence, it is prayed that the applicant be enlarged on 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 the prosecutrix was minor aged about 16 years 6 months only on the date of incident. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the allegation against the applicant is that he on pretext of marrying the minor prosecutrix, who is a member of scheduled caste exploited her sexually regarding which, FIR has been lodged by the mother of the prosecutrix.

6. After perusing the statement under Section 164 of the Cr.P.C. and also considering the fact that the applicant is ready to have the prosecutrix as his married wife, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge