

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5201 of 2019

Mohammed Adil Badgujar, S/o. Mr. Mohammed Shabbir Badgujar, Aged About 23 Years, R/o. Sonpur Road, Narayanpur, Police Station Narayanpur, District Narayanpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Narayanpur, District Narayanpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raza Ali, Advocate
For Respondent/State	: Mr. Kapil Maini, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/09/2019

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.110/2019, registered at Police Station – Narayanpur, District – Narayanpur (C.G.) for the offence punishable under Section 363, 366, 376 N, 342, 506 of the Indian Penal Code and Section 4, 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 04.07.2019. The allegation is though that incident of rape took place in the month of October, 2015, but the fact is this that the applicant and the prosecutrix both had love affair and they got married on 06.02.2019 according to the Muslim rites, in which the parents of the prosecutrix were present, however, because of some dispute, the prosecutrix was not sent with the applicant and the false FIR has been

lodged subsequently on 03.07.2019 against this applicant. The prosecutrix was major on the date, the marriage was performed. 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 regarding rape, the prosecutrix was merely 16 years old, therefore, 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. According to the prosecution case, this applicant allured the prosecutrix with false promise to marry and then had physical relation with her in the month of October, 2015 and then he continued having physical relation with her. The age of the prosecutrix on the date of incident was just above 15 years. Subsequently, the FIR has been lodged on 03.07.2019.
6. Considered on the submissions made and the contents of the case diary. Documents regarding marriage of the prosecutrix with this applicant and the statement of other witnesses, who attended this marriage are the part of the case diary, therefore, after considering the facts and circumstances of the case, 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