

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5181 of 2019**

Vishal Ghore S/o Umesh Ghore Aged About 26 Years R/at Village Dayalband Nayapara Near Shiv Mandir Police Station Kotwali, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K. Tulsyan, Advocate.
For the Respondent/State	:	Shri Arijit Tiwari, P.L.
For the Objector	:	Shri A.L. Singraul, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.09.2019**

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.144 of 2019, registered at Police Station – Civil Line, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 376 and 313 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.5.2019 and has been falsely implicated in this case. This applicant has not committed any offence. The prosecutrix was a major woman and

she had been a consenting party. Further, the prosecutrix herself has given an affidavit and made a statement that she has no objection in grant of bail to the applicant. 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.

4. The prosecutrix is present in person alongwith Shri A.L. Singraul, Advocate. She has stated that she has no objection in grant of regular bail to the applicant.

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

6. According to the prosecution case, this applicant on pretext that he will marry the prosecutrix who was minor at the time of incident established physical relation and exploited her sexually. This continued for sometime and when the applicant refused to marry the prosecutrix, the FIR has been lodged.

7. Considering the fact that according to the prosecution case, the prosecutrix was just below 18 years at the time of incident. Further, the prosecutrix present before the Court states that her age is 19 years and also on the basis of the statement made by the prosecutrix herself, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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