

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5430 of 2019

- Raju Ram, S/o Ayodhya Ram @ Joidha, Aged About 19 Years, R/o Kosga, Tahsil Lakhanpur, District Surguja, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station Udaipur, District Surguja, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Jitendra Shrivastava, Advocate.

For Non-applicant/State : Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 21.05.2019 in connection with Crime No.46/2019, registered at Police Station– Udaipur, District- Surguja, Chhattisgarh for offence punishable under Sections 363, 366, 376(2)(ॢ), 323 of I.P.C. and Section 5(ॢ)/6 of the POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant has not committed any offence and he has been falsely implicated in the present case. The case against the applicant is made out according to the entry and admission register of the school. He further submitted that the statement under section 161 of the Cr.P.C. the prosecutrix herself stated that she was living with the applicant and she has also stated that applicant was her husband, therefore, it is a case of consensual relationship. Therefore, prayed that application be allowed.
3. Learned counsel for the State/non-applicant opposes the application

and submits that there is material evidence present against the applicant. Therefore, prayed that application be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on 20.03.2019, the applicant abducted the prosecutrix and took her to his own house and on false pretext of marriage he exploits the prosecutrix sexually for about two months and, thereafter, he had refused to marry her. Hence, the FIR was lodged against the applicant.
6. Considering that the admission register of the school itself discloses that the prosecutrix was not minor on the date of incident, she further stayed for about two months with the applicant and she has lodged the FIR when the applicant has refused to marry her, therefore, I feel inclined to allow this application.
7. Consequently, this 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

yasmin