

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 609 of 2020

- Meghnath Sethiya, S/o Baliram Sethiya, Aged About 49 Years, R/o Village-Airmur Khotlaguda Para Police-Station-Mardum, District-Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Mardum, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent	:	Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/03/2020

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.4992/2019 was dismissed as withdrawn with liberty to revive the same after examination of prosecutrix on 9.9.2019.
2. This 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.5/2019 registered at Police Station–Mardum, District–Bastar(C.G.) for the offence punishable under Sections 376 & 506 of IPC and under Section 6 of the POCSO Act, 2012.

3. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. No case is made out for prosecution of the applicant in this case. He is in jail since 7.5.2019. Trial against the applicant is still pending. The prosecutrix in this case had been a consenting party as she never disclosed about her relation with applicant until she became pregnant and it was revealed to the others, therefore, a false FIR has been lodged. The prosecutrix herself was not minor on the date of incident, hence, the applicant be granted regular bail.
4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that according to entry in school register, it is clear that on the date of incident the prosecutrix was minor and the applicant has exploited her sexually being in a position to dominate her will, therefore, he is not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The prosecutrix is 17 years old girl and she met with the applicant while she was employed in contractual work by the applicant. The applicant exploited her sexually and had physical relation with her on number of occasions because of which she became pregnant and then she has lodged FIR.
7. After considering the facts and circumstances of the case that has been brought against the applicant and the delay in trial against him, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha