

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1275 of 2020

- Naresh Kumar Netam S/o Chamra Ram Netam Aged About 26 Years
Caste - Kamar, R/o Village Boirgaon, Post Office And Police Station
Magarlod, District Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station
Gariyaband, District Gariyaband, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-06-2020

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 14.05.2019 in connection with Crime No.142/2019, registered at Police Station- Gariyaband, District- Gariyaband, C.G. for offence punishable under Sections 363, 366, 376(2)(n) and 417 of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 14.05.2019 and has been falsely implicated in this case. The prosecutrix had been a major on the date of incident. The applicant intends to challenge the entry regarding the date of birth of prosecutrix in the school register, which is the only reliance of the prosecution. Further, as per the statement of prosecutrix herself, she had been a

consenting party. The applicant is in jail since about more than one year. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the prosecutrix was of age only about 16 years and 03 months on the date of incident, therefore, any consent and willingness on her part is immaterial. The applicant does not have any entitlement for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the applicant allured the minor prosecutrix with false promise to marry her and then exploited her sexually, because of which she became pregnant and gave birth to a child on 07.05.2019, after full term of pregnancy. As the applicant has not married the prosecutrix, therefore, F.I.R. has been lodged on 11.05.2019.
6. Considering the facts and circumstances of this case and also that the applicant is in jail since about one year and the trial against him has come to a stand still because of the present pandemic situation. 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