

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1881 of 2020

- Pritam Kumar Chauhan S/o Shri Fagnuram Chauhan, Aged About 24 Years, R/o Village Jatiyatora, Police Station Chhura, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chhura, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Shri Pragalbha Sharma, Advocate.

For Non-applicant/State – Shri Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-06-2020

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 11-02-2020 in connection with Crime No.19/2020 registered at Police Station – Chhura, District Gariyaband, Chhattisgarh for the offence under Section 376(2)(n) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 11-02-2020. No case is made out against him. The prosecutrix is not minor. There had been an affair between the applicant and the prosecutrix. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was below 16 years at the time of incident, therefore, any consent on her part is immaterial. Hence, the application may be rejected.
4. The prosecutrix who is herself complainant in the case is present before

this virtual Court through Help Desk of the High Court. She has made statement that she has no objection in grant of bail to the applicant.

5. Heard the submissions made and perused the documents.

6. According to the prosecution case, it is alleged that the applicant and the prosecutrix have acquainted with each other. The applicant used to make phone calls to the prosecutrix because of which she felt pressurized and went to visit him, then the applicant had physical relation with her knowingly that she is a minor.

7. After considering all the facts and circumstances of the case and also the statement of no objection made by the prosecutrix/complainant herself, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge