

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1719 of 2020

- Kaju Dhruv @ Golu @ Vijay S/o Punit Ram Dhruv, Aged About 29 Years R/o Durga Nagar, Birgaon, Police Station Urla, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Raghvendra Pradhan, Advocate.
For State/respondent	: Mr. H.S. Ahluwalia, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/05/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.179/2017 registered at Police-Station-Khamtarai, District-Raipur(C.G.) for the offence punishable under Section 363, 366, 376 of IPC & Section 6 of Protection of Children from Sexual Offence Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 5.2.2020. The prosecutrix in this case was not minor on the date of incident and further the applicant and prosecutrix both have married. This fact is mentioned in the bail rejection order of the Sessions Court, hence, it is prayed that he may be enlarged on regular

bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix was a minor girl of age 16 years on the date of incident, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, this applicant abducted the minor prosecutrix and then has committed the offence of rape. Hence, this case.
6. On perusal of the rejection order of the Sessions Court, it is found that the prosecutrix filed an affidavit mentioning her age to be 20 years and also a certificate of Arya Samaj Mandal showing that she has married with the applicant, which has not been taken into consideration by the Sessions Judge. However, looking to this development in the case, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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