

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1738 of 2020

Ramesh Aditya @ Ramesh Kahra S/o Shyam Nath Kahra Aged About 21 Years R/o Village Kera, Police Station Navagarh, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Navagarh, District Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. Aditya Sharma, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/06/2020

1. This is the first 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.330/2019, registered at Police Station – Navagarh, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376 (2) (ॢ) of the Indian Penal Code and Section 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix and the applicant both had an

affair for sometime, in which, the prosecutrix was clearly a consenting party. FIR is delayed by almost one and half years and that too after the prosecutrix became pregnant. Therefore, it is clearly concocted case. The applicant intends to challenge and prove the age of the prosecutrix in the trial. He is in jail since about six months and the trial is making no progress because of Covid-19 pandemic situation. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that prosecutrix was clearly minor on the date of incident, therefore, any consent given by her is immaterial. Therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix both of acquainted with each other on 12.06.2018. Thereafter, the applicant allured the prosecutrix with false promise to marry her and started exploiting her sexually. The prosecutrix became pregnant because of sexual relation, therefore, the FIR has been lodged.
6. After considering the length of relationship that has continued between the applicant and the prosecutrix and also the submissions made by the counsel for the applicant that FIR is delayed by one and half years along with other circumstances including Covid-19 situation, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram