

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1820 of 2020

Sarwan @ Shrawan, S/o Shiv Prasad Patel, Aged About 19 Years, R/o Dashhara Chowk, Rampur, Police Station Kartala, District- Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station AJAK, District- Korba (C.G.)

--- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For Respondent : Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/06/2020

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. 789/2019, registered at Police Station- AJAK, District- Korba (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC, Section 6 of Protection of Children from Sexual Offences Act and Section 3(2)(V) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is in jail since 01.12.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix given statement under Section 164 of Cr.P.C. which shows that she was consenting party. Further, there is no

conclusive proof collected in the investigation regarding minority of the prosecutrix. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that it is clear statement of the prosecutrix regarding physical relation with the applicant and according to entry made in the school register, the prosecutrix is minor on the date of incident, therefore, he is not entitled for grant of bail. Hence, no case is made out for grant of regular bail to the applicant.
4. Heard counsel for both the parties and perused the records.
5. As per the facts of the case, it is alleged that the applicant abducted the minor prosecutrix and made physical relation with her for which the FIR has been lodged. The only proof regarding age of the prosecutrix is entry made in the school register.
6. After considering the facts and circumstances of the case, I am of the view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
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. In case any

default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun