

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2853 of 2020

- Ramkewal Gond S/o Barishan Gond Aged About 25 Years R/o- Padouli, P.S.- Chalgali, District- Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Chalgali, District- Balrampur-Ramanujganj, Chhattisgarh

---- Non-applicant

For Applicant	: Mrs. Indira Tripathi, Advocate.
For Non-applicant/State	: Mr. Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

16-07-2020

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 06.12.2019 in connection with Crime No.138/2019, registered at Police Station- Chalgali, District- Balrampur- Ramanujganj, C.G. for offence punishable under Sections 376(2)(g), 376(2)(n), Section 450 of I.P.C. and Sections 4, 6 and 9(i) of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 06.12.2019 and has been falsely implicated in this case. It was a case of love affair. The age of the prosecutrix had been 19 years which was admitted by her parents in the meeting that was held in the village and also has been stated in the statement given to police under Section 161 of Cr.P.C. The applicant is ready and willing to have the prosecutrix as his wife and he has also a child from prosecutrix. Therefore, there is no case against this applicant, hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that the F.I.R. has been lodged on 06.12.2019,

according to which, the applicant and the prosecutrix had an affair, however, when the applicant refused to have the prosecutrix as his wife, the complaint has been made. The age of the prosecutrix according to the entry in the school register is below 16 years, therefore, any consent on her part is immaterial. Therefore, the applicant is not entitled for grant of bail.

4. The complainant- Ramdhani Gond is present in person before this virtual Court through the Help Desk of the High Court of Chhattisgarh. He has stated that he has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, the minor victim was ravished by the applicant in the month of January, 2019 and thereafter, she became pregnant. A meeting was held in the village in the month of September, 2019, subsequent to that, the prosecutrix went to reside in the house of the applicant, however, some dispute arose and then the F.I.R. has been lodged on 06.12.2019.
7. Considering the facts and circumstances of the case and also that complainant has no objection in the granting bail to the applicant, 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