

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2483 of 2020

Rajendra Ravi S/o Dhuran Ram Ravi, Aged About 25 Years R/o Village Pindra, P.S. Ranka, District Gadhwa (Chhattisgarh).

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/06/2020

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.188/2019, registered at Police Station – Ramanujganj, District – Balrampur (C.G.) for the offence punishable under Section 363, 366, 376 (2-n) of the Indian Penal Code and Section 5 & 6 of the Protection of Children from Sexual Offences 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 applicant is in jail since 01.01.2020. The

prosecutrix had been consenting party, who had herself consented to marry and cohabit with the applicant, which is found mentioned in the statement given by the prosecutrix under Section 164 of Cr.P.C.. The prosecutrix had been major on the date of incident, the only proof of the prosecution regarding the age of the prosecutrix in this case is entry in the school register, which is not a conclusive evidence. The applicant is ready and willing to have the prosecutrix as his wife. 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 there is material present to show that the prosecutrix was of age about 16 years and 10 months on the date of incident, therefore, any consent given by her is immaterial. Therefore, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and then he sexually exploited her for considerable time, regarding which FIR has been lodged.
6. After considering the facts and circumstances and specifically after perusing the statement given by the prosecutrix under Section 164 of Cr.P.C., 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