

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2794 of 2020**

Ramkewal Manikpuri, S/o. Late Jodha Ram, aged about 22 years, R/o. Lawa,
Out Post - Vijaynagar, Police Station Ramanujganj, District Balrampur -
Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station AJAK, Balrampur, District
Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/08/2020**

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.8/2020, registered at Police Station – AJAK, Balrampur, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 366, 376 of the Indian Penal Code and Section 3 & 4 of the Protection of Children from Sexual Offences Act and Section 3 (2) (V) of the SC & ST (Prevention of Atrocities) Act.
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 was not minor on the date of incident. Only reliance of the prosecution regarding the minority of the prosecutrix is the entry in the school register, which is not a conclusive proof, otherwise the prosecutrix had been a consenting party, who had accompanied and resided with the applicant and also submitted for physical relation willingly. Therefore, it is prayed that the applicant may be released on 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 according to the entry in the school register, the prosecutrix was clearly a minor on the date of incident and according to the statement given by her under Section 161 of Cr.P.C., case is made out for commission of offence as registered against the applicant. Therefore, the application be rejected.
4. Notice were issued to the complainant for a fixed date of 15.07.2020. The notice was returned served but there had been no appearance or representation was made on behalf of the complainant on that date and today.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant enticed the minor prosecutrix with false promise to marry her and thereafter, he established physical relation with her continuously for sometime, regarding which FIR has been lodged.

7. Considered on the submissions and facts of the case. After over all consideration, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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