

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2838 of 2020**

Churamani Kanwar S/o Udesingh Kanwar Aged About 23 Years By Caste Gond, R/o Village Chandeli, Tahsil And Thana Charama, District Uttar Bastar Kanker, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Charama, District Uttar Bastar Kanker, Chhattisgarh.

---- Respondent

For the Applicant : Shri Parag Kotecha, Advocate.
For the Respondent/State : Shri Ravish Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.06.2020**

Heard.

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.86 of 2020, registered at Police Station – Charama, District – Kanker, Chhattisgarh for the offence punishable under Sections 376 and 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.5.2020 and has been falsely implicated in this case. The prosecutrix has made totally false statement regarding her sexual exploitation when she was minor whereas, the FIR has been lodged on 30.4.2020 when she was

major aged about 18 ½ years. The only reason for lodging of FIR is that the applicant is refused to marry her otherwise, it is a case of consent. 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 and the submissions made in this respect. It is submitted that the prosecutrix has categorically stated in her statement under Sections 161 and 164 of the Cr.P.C. that the applicant started exploiting her sexually when she was minor aged about 17 years in the year 2018. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. As per the facts of the case, the applicant and the prosecutrix got acquainted while attending the school and then they became intimate. In the year 2018, the applicant exploited the prosecutrix sexually on the pretext that he will marry her and thereafter, he refused to marry her because of which, the FIR has been lodged.

6. Considering the facts and circumstances of the case, I am of this view that it would be proper to release the applicant on regular bail during the pendency of the trial, 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge