

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2911 of 2020**

Durgesh Joshi, S/o Ramsingh Joshi, Aged About 21 Years R/o Village -
Purani Gadhiya, Police Station - Nayagaon, District - (Revenue And Civil) -
Bhind (M.P.).

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station -
Khamtra, District - Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Yogesh Pandey, Advocate.
For the Respondent/State : Shri Sudeep Verma, Dy. 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.300 of 2019, registered at Police Station – Khamtra, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 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 15.2.2020 and has been falsely implicated in this case. The applicant and the prosecutrix both had love affair and they were leading a married life. The age of the prosecutrix was not below 18 years on the date of incident and she had been a consenting party. Further, the parents of the prosecutrix

have exploited this marriage because of which, it is the father of the prosecutrix who has given an affidavit in support of this applicant which is also mentioned in the rejection order of the Sessions Court. 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 there is evidence to show that the prosecutrix was minor on the date of incident, therefore, 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. According to the prosecution case, the minor prosecutrix aged about 17 ½ years and the applicant both had love affair, they eloped and got married in Haryana where they had physical relation for about 8 months, because of which, the FIR has been lodged.

6. After considering the facts and circumstances of the case, I feel inclined to grant regular bail to the applicant.

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

Nimmi