

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3006 of 2020**

Chotey Korva S/o Jhariya Korva Aged About 24 Years R/o Baskepi Bazaarpara, Police Station Balrampur, District - Balrampur-Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Chowki-Ganeshmod, Police Station- Balrampur, District - Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For the Applicant : Shri Hariom Rai, Advocate.
For the Respondent/State : Shri Ravish Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2020**

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.181 of 2019, registered at Police Chowki Ganeshmod, Police Station – Balrampur, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Section 376(2-n) of the Indian Penal Code and Sections 3, 4, 5 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 16.9.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. It is also submitted that the prosecutrix had been

major on the date of incident and she had been a consenting party. The prosecutrix has been examined before the trial Court and she has clearly admitted that she has lodged FIR only for the reason that the applicant has refused to marry her. 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 according to the statement given by the prosecutrix in the investigation and also before the Court, this applicant had not been entitled for grant of regular bail.

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

5. According to the prosecution case, about three years prior to the date of lodging of FIR, the applicant allured the prosecutrix with a false promise to marry her and then had physical relationship with her which continued for sometime, the prosecutrix became pregnant and when she insisted for marriage the applicant refused, therefore, the FIR has been lodged.

6. After considering the facts and circumstances of the case and also considering the fact that the applicant is in jail since 16.9.2019 and the trial in this case is withheld because of the reason that the Courts are not functioning in normal mode at present, therefore, I am of the considered view that this is a fit case for grant of 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