

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3231 of 2020**

Jeeveet Lakra S/o Mani Ram Aged About 19 Years Occupation- Student,
R/o Village Kesala Tikrapara P.S. And Tehsil Sitapur District Surguja,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Sitapur District
Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Nishikant Sinha, 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.56 of 2020, registered at Police Station – Sitapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(L) of the Indian Penal Code and Sections 5(L) 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 14.5.2020 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 both of them had consensual relationship for a long time. The prosecutrix has lodged false FIR against the applicant on being misled by her parents. 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 had been minor throughout the incident, therefore, any consent of the prosecutrix in such case is immaterial. On the basis of this reason, he is not entitled for grant of bail.

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

5. The prosecutrix has lodged FIR that the applicant had on pretext that he will marry her established physical relationship with her continuously for about 1 ½ years and then finally he has refused to marry the prosecutrix because of which, she has lodged this FIR.

6. After considering the facts and circumstances of the case, 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

Nimmi