

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3306 of 2020**

Suraj Kumar Shouri S/o Shri Chhedilal Shouri Aged About 20 Years Caste - Gond, Resident Of Village Bhatbharri, Police Outpost Dudhawa, Police Station Narharpur, District North Bastar Kanker Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The S.H.O. Police Outpost Dudhawa, P.S. Narharpur, District North Bastar Kanker., District : Kanker, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Shrivastava, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.06.2020**

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.49 of 2020, registered at Out Post Dudhawa, Police Station – Narharpur, District – North Bastar, Kanker, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 16.4.2020 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. Although, the prosecutrix is shown to be a minor

in the prosecution case but the applicant intends to challenge her minority in the trial. The medical report also shows that she was habitual for sexual intercourse and further, she has given a statement under Sections 161 and 164 of the Cr.P.C. admitting that she had love affair with this applicant and also she had consensual physical relationship with the applicant. 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 proof of age collected in the investigation, the prosecutrix is of age nearly 16 years 6 months, therefore, any consent given by her is immaterial. 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. FIR has been lodged by the minor prosecutrix against the applicant regarding the commission of offence of rape by the applicant with her.

6. As per the statement given by the prosecutrix under Section 164 of the Cr.P.C., it is found that she has admitted her love affair with the applicant, therefore, after considering the submissions made by counsel for the applicant, 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