

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3338 of 2020

Bhupendra Kumar Taram @ Baiga (Halba Thakur), S/o Hriday Ram Taram, Aged About 19 Years, R/o Kannewada, Post Karhibhadar, P.S. Balod, District- Balod (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Gunderdehi, District- Balod (C.G.)

--- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For State/ Respondent : Mr. Ravi Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18/06/2020

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. 176/2020, registered at Police Station- Gunderdehi, District- Balod (C.G.) for the offence punishable under Sections 366, 376 (2)(N) of IPC & Section 4, 5(ठ), 6, 5(J), 2 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 13.04.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix was not minor on the date of incident. The proof of age which the prosecution relies is the entry in school register which is not conclusive and the applicant intends to challenge

the same. It is further submitted that there was love affair between the prosecutrix and the applicant, therefore, their physical relation was consensual, 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 submitting that the prosecutrix was minor on the date of incident and the consent given by her is immaterial, therefore, the applicant is not entitled for grant of regular bail.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, the applicant and the prosecutrix both were acquainted each other. On 05.03.2020 to 20.03.2020, the applicant had made physical relation with the minor prosecutrix on pretext that he will marry with her. When the prosecutrix became pregnant, she informed about the incident to her mother regarding which FIR has been lodged.
6. After considering the facts and circumstances of the case as well the submission made by learned counsel for the applicant, I am of the view that it would be proper to release the applicant on regular bail, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun