

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3334 of 2020

- Chaitan Mourya S/o Bansingh Mourya, Aged About 21 Years, Residing At Village Kalepal, Police Station Kodenar District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Police Station Bandaji, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-05-2020 in connection with Crime No.13/2020 registered at Police Station – Bandaji, District Bastar, Chhattisgarh for the offence under Section 363, 376 of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 09-05-2020. No case is made out against him. The prosecutrix is not minor. The applicant intends to challenge the ground of minority on which the prosecution relies, otherwise the prosecutrix had been a consenting party and there was an affair between the applicant and the prosecutrix. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor, therefore, any willingness or consent on her part is immaterial. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, the applicant and the minor prosecutrix were acquainted to each other and were having an affair. It is alleged that this applicant on pretext that he will marry the prosecutrix has exploited her sexually, which amounts to offence of rape.

6. Considering the submissions and looking to the statement that the prosecutrix has given under Section 164 of the Cr.P.C., I am of this view that the applicant should be enlarged on bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge