

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3391 of 2020

Upendra Pal, S/o Pradeep Pal, Aged About 24 Years, R/o Mudusemar,
Vindmganj, District- Sonbhadra (U.P.)

--- Applicant

Versus

State of Chhattisgarh, Through, Police Station- Trikunda, District-
Balrampur- Ramanujganj (C.G.)

--- Respondent

For Applicant : Mr. Vikas Pandey, Advocate.

For State/ Respondent : Mr. Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23/06/2020

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. 05/2020, registered at Police Station- Trikunda, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 376(2)(n) of IPC & Section 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 12.02.2020 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 and the prosecutrix had herself appeared before the Session Court filing application in which, she stated that she has no objection in

granting bail to the applicant, which has not been considered.

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 no objection statement made by her, cannot be taken into consideration, therefore, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that this applicant has exploited the prosecutrix sexually since about 2 years on pretext that he will marry with her and thereafter, he refused to marry with her, regarding which FIR has been lodged.
6. Considered the submission as also the fact and circumstances of the case. The rejection order mentions appearance of the prosecutrix before the Session Court and the statement made by her regarding no objection in granting bail to the applicant, therefore, 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