

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 3431 of 2020**

Maniram Dhruv, S/o. Tarachand Dhruv, aged about 21 years, R/o. Village Nawapara Madeli, Post Office And Police Station Chhura, District Gariyaband, Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Chhura, District Gariyaband, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Shivendu Pandya, Advocate |
| For Respondent/State | : Mr. Ravish Verma, G.A.        |

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

**Order On Board****16/06/2020**

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.41/2020, registered at Police Station – Chhura, District – Gariyaband (C.G.) for the offence punishable under Section 376 (2) (n) of the Indian Penal Code and Section 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 19.03.2020. The prosecutrix in this case was not a minor on the date of incident and there is affair between the applicant and the prosecutrix and because of some misunderstanding, FIR has been lodged. At present, new development that has taken place according to which, the applicant

and the prosecutrix both have compromised and the prosecutrix is living in the house of the applicant with his parents. The applicant also intends to marry the prosecutrix. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application. It is submitted that the prosecutrix is minor and has made categorical statement against the applicant regarding her exploitation and also regarding her becoming pregnant because of sexual relation. She has made statement about the conduct of the applicant and deserting her and her other exploitation, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant allured the prosecutrix with false promise to marry her and then exploited her sexually on number of occasions since July, 2018, as a result, the prosecutrix become pregnant. When the applicant came to know about the pregnancy, he simply deserted her. The prosecutrix then made an attempt to commit suicide, thereafter she also approached the village community, after which, FIR has been lodged.
6. Considering on all the facts and circumstances of the case and also on the statement made by the counsel for the applicant that at present prosecutrix is residing in the house of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram