

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3512 of 2020**

- Samarjit Sai S/o Gambhir Sai, Aged About 24 Years, Caste- Kanwar, R/o Village- Chingrapathal,(Kansabel), Police Staiton And Tahsil- Kansabel, District- Jashpur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police of Police Station- Kansabel, District- Jashpur, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Manoj Chauhan, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

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

**Order on Board**

**11-08-2020**

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 04-05-2020 in connection with Crime No.64/2019 registered at Police Station - Kansabel, District- Jashpur, Chhattisgarh for the offence under Section 376 of the IPC and Section 5 J(II), 5L & 6 of the Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix is not minor and she had been a consenting party throughout in the affair and the relation between her and the applicant. The only reason for lodging the FIR is this, that the applicant has refused to marry the prosecutrix. The applicant is in jail since 04-05-2020. 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 consent on her part is immaterial. Hence, the applicant is not entitled for grant of bail and the application may be rejected.

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

5. As per the prosecution case, it is alleged that on 27-04-2018 the applicant expressed his love for the minor prosecutrix and then on pretext of marriage he established physical relation with the minor prosecutrix on number of occasions as a result of which she became pregnant. The applicant then refused to marry the prosecutrix. Therefore, the FIR was lodged.

6. Considered on the submissions and the facts of the case and after due consideration, I am of this opinion that the applicant should be granted bail during pendency of the trail.

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 as per rules.

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