

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3491 of 2020

- Narendra Kumar Meravi S/o Sitaram Meravi Aged About 30 Years R/o Village Dariya, Police Station Jhalmala, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jhalmala, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharmesh Srivastava, Advocate.
For State/respondent	: Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.06/2020 registered at Police -Station-Jhalmala, District-Kabirdham(C.G.) for the offence punishable under Section 376 of IPC and Section 3 & 4 of POCSO Act.
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 28.3.2020. The prosecutrix in this case is major. The applicant and the prosecutrix both had an affair for sometime, but because of some misunderstanding the

prosecutrix has lodged FIR, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the proof of entry in school register, the prosecutrix was minor on the date of incident, therefore, any consent given is immaterial, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, the minor prosecutrix and the applicant got acquainted with each other and then the applicant forced himself upon the prosecutrix for physical relation making a promise that he will marry her. This continued for sometime and then the prosecutrix came to know that the applicant is intending to marry somewhere else, therefore, she lodged the FIR.
6. After considering the facts and circumstances of this case and also that the applicant intends to challenge the minority of prosecutrix in trial, hence, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha