

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4205 of 2020

- Piyush Nagwanshi @ Ajay, S/o Gangaram, Aged About 20 Years R/o Village Pangsua, Police Station - Pathalgaon, District - Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Officer - In - Charge, Police Station Lailunga District - Raigarh Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ashutosh Mishra, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2020

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 13.03.2020 in connection with Crime No.45/2020, registered at Police Station- Lailunga, District- Raigarh, C.G. for offence punishable under Sections 376 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 13.03.2020 and has been falsely implicated in this case. The prosecutrix is not a minor and there had been consensual relationship between the applicant and the prosecutrix, which is reflected from her statement itself. In fact, due to the discovery of the affair of applicant and prosecutrix, this F.I.R. has been lodged. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the

application and submits that the prosecutrix has used the word 'rape' with clear terms in her statement against the applicant, therefore, this applicant is not entitled for grant of bail to the applicant.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the applicant and the prosecutrix were acquainted with each other since about 2 years. It is alleged that on 11.03.2020, the applicant by force took the prosecutrix to the house of his maternal grand mother, where he committed the offence of rape with her and threatened the prosecutrix not to disclose about the incident to anyone. Then on subsequent date, it is alleged that the applicant again took the prosecutrix to his grand mother's home, where the father of prosecutrix saw them and, thereafter, the F.I.R. has been lodged.
6. After considering on the facts and circumstances that are present in this case and also on the submissions that have been made, I feel inclined to allow this application.
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 local 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