

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4046 of 2020

- Moh. Tipu Sultan S/o - Moh. Ali Aged About 26 Years R/o Ward No. 06, Pokhari Dafai Khongapani, P.S. - Jhagrakhand Tahsil - Manendragarh, District - Koriya Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. - Ajak Baikunthpur, District - Koriya Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akhtar Hussain, Advocate.
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For State/respondent	: Mr. Ayaz Naved, Govt. Advocate.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2020

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.17/2020 registered at Police -Station-AJAK Baikunthpur District-Koriya(C.G.) for the offence punishable under Sections 376(2)(a) of IPC, Section 4 & 6 of POCSO Act, 2012 and Section 3(2)(v) Atrocities Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix is not a minor. There had been affair between applicant and the prosecutrix. As the applicant refuse to marry her, because of which this false FIR has been lodged against him.

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 the prosecutrix was minor on the date of incident, therefore, any consent is immaterial given by her. Hence, the application be rejected.
4. Learned counsel for the objector submits that the complainant has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that the applicant on pretext that he will marry the minor prosecutrix has established physical relation with her on number of occasion which amounts to commission of offence of rape and ultimately he has refused to marry her.
7. Considered the submissions, the facts of the case and also the statement of no objection made by the complainant side, I feel inclined to allow the bail application of this applicant.
8. 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 his 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