

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4166 of 2020

- Preetam Bhardwaj, S/o Chhote Lal Bhardwaj Aged About 20 Years R/o Village Kali Chowki, Chorahadevari, Police Station Ratanpur, District-Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/07/2020

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.293/2020 registered at Police -Station-Ratanpur District-Bilaspur(C.G.) for the offence punishable under Sections 456, 376 of IPC and Section 4 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. The applicant is in jail since 29.4.2020. No case is made out against the applicant. The prosecutrix is not a minor. She had consented to the physical relation with the applicant. Only for the reason, that the affair of the applicant

and the prosecutrix was discovered to her mother, therefore, the FIR has been lodged. The prosecutrix herself had filed an affidavit before the Sessions Court stating, that her age is 19 years and she had supported the applicant, which was not given consideration by the Sessions Court. The prosecutrix has filed similar affidavit before this Court also, therefore, 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 prosecutrix was minor, therefore, any consent or willingness her part is immaterial, therefore, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, at the intervening night on 28th-29th April, 2020, the applicant committed lurking house trace-pass in the house of the minor prosecutrix of age below 18 years and committed the offence of rape with her. When the mother of the prosecutrix all of sudden arrived in the place the applicant fled from the spot.
6. Considering the case and also the statement of no objection made by the prosecutrix herself, 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 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

Nisha