

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4227 of 2020

Lomas Satnami @ Lomas Sonwani, S/o Daulat Ram Satnami @
Daulat Ram Sonwani, Aged About 20 Years, R/o Village Borai, Police
Station Pulgaon, District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through The Station House Officer, Police
Station Pulgaon, District- Durg (C.G.)

--- Respondent

For Applicant	:	Mr. Praveen K. Dhurandhar, Advocate.
For State/ Respondent	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05/08/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 30/2020, registered at Police Station- Pulgaon, District- Durg (C.G.) for the offence punishable under Section 376 of IPC and Section 5(L) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 23.01.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and also she had been consenting party. The FIR has been lodged after delay of about 10 months regarding which, there is no

explanation, therefore, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the statement of the prosecutrix under Section 164 of the Cr.P.C. is very much categorical against the applicant making allegation of rape, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. Notice issued to the complainant has been returned served, but, there is no appearance and no representation.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant met with the minor prosecutrix on 22.03.2019 and then, by force, he established physical relation with her without her consent. The prosecutrix later on, became pregnant and she gave birth to a dead child, subsequent to which, a written complaint was given by her father to the police, on the basis of which, FIR has been lodged.
7. Considered on the submissions and facts present in this case. The counsel for the applicant pointed out that according to the mark-sheet of the prosecutrix, her date of birth is 04.11.2003 and on the basis of Aadhar Card, which is also part of charge-sheet, her date of birth is 07.11.2001 and also that the delay in lodging the FIR has not been explained, therefore, I am of the view that it would be proper to release the applicant on regular bail during

pendency of trial against him, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge