

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4748 of 2020**

- Banarasi Patel S/o Sakharam Patel, Aged About 19 Years, R/o Near Pattharkhadan Khapridih, Police Station Bilaigarh, District Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Shailendra Dubey, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**26-08-2020**

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 13-06-2020 in connection with Crime No.111/2020 registered at Police Station - Bilaigarh, District Balodabazar - Bhatapara, Chhattisgarh for the offence under Section 366, 376 of the IPC and Section 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The prosecutrix has given statement under Section 164 of the Cr.P.C. making it clear that she had love affair with the applicant and also that she willingly submitted for physical relation and the applicant intends to challenge the ground of minority of the prosecutrix in the trial. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that clearly the prosecutrix was minor on the date of incident,

therefore, any consent or willingness on her part is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and then he established physical relation with her knowing well that she is minor and this act amounts to commission of offence of rape.

6. Considered on the submissions and also the statement of the prosecutrix given under Section 164 of the Cr.P.C. and after due consideration, I am of this view that the applicant should be granted bail during pendency of the trial against him.

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 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**