

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4406 of 2020

- Lalit Patre S/o Dharmu Patre, Aged About 19 Years, R/o Village Sirmi, Police Station Pandatarai, District Kabirdham, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pandariya, District Kabirdham, Chhattisgarh

----Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

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

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 29-05-2020 in connection with Crime No.82/2020 registered at Police Station - Pandariya, District - Kabirdham, Chhattisgarh for the offence under Section 363, 366, 376, 201 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant and the prosecutrix both had a love affair and they intend to marry. A totally false FIR has been lodged against applicant. The prosecutrix supports the applicant's version in her statement under Section 164 of the Cr.P.C. Further, the proof of age of the prosecutrix on which the prosecution relies being entry in school register is not conclusive. The applicant himself has obtained school certificate of the prosecutrix which shows her age to be more than 17 years. The applicant is in jail since 29-05-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the entry in the school register the date of birth

of the prosecutrix is 03-06-2003 and therefore she was below 17 years at the time of incident, therefore, any consent or submission on her part is immaterial and has no legal force. Hence, the application may be rejected.

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

5. According to the prosecution case, it is alleged that this applicant on pretext of marrying the prosecutrix abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually by having physical relation with her which amounts to commission of offence of rape.

6. Considered on the submissions and also the facts of the case. After considering on the statement that is given by the prosecutrix under Section 164 of the Cr.P.C., 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 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