

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5282 of 2020

- Rajesh Patel @ Bajrang S/o Shiv Bahadur Singh, Aged About 22 Years, Caste- Kurmy, R/o Village- Amagohan, Out Post- Belgahna, Police Station- Kota, District- Bilaspur, (C.G.), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through- Station House Officer, Out Post- Belgahna, Police Station- Kota, District- Bilaspur, (C.G.), District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-11-2020

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 03-07-2020 in connection with Crime No.263/2020 registered at Police Station - Kota, Out Post- Belgahna, District- Bilaspur, Chhattisgarh for the offence under Section 376, 506, 509(b), 34 of the IPC and Section 6, 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor at the date and time of the incident. She had been a willing and consenting party throughout in the relation that took place between them. The FIR lodged is delayed by about three years, therefore, it is false. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the date and time of the incident the prosecutrix was of age below 18 years, therefore, any consent by her is of no consequence. Therefore, the application may be rejected.

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

5. As per prosecution case, the incident occurred in the year 2016 when the applicant enticed the minor prosecutrix with false promise to marry her and then he has exploited her sexually on numerous occasions. It is also alleged that the applicant used to threaten the prosecutrix stating that he has in his possession some video of the act, which he will make viral, to obtain her submission for physical relation, regarding which the offences have been registered.

6. Considered on the submissions and the facts of the case. Considering on the statement that has been given by the prosecutrix and the duration during which the relation of the applicant and the prosecutrix is alleged, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants 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