

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5925 of 2020**

Ramlal Kispotto S/o Late Babulal Uraon Aged About 27 Years R/o Pandripani, Uraonpara, Police Station Chakradhar Nagar, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Chakradha Nagar, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashish Gupta, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2020**

Heard.

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.275 of 2019, registered at Police Station – Chakradhar Nagar, District – Raigarh, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 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 24.7.2019 and has been falsely implicated in this case. There had been an affair and relation between the applicant and the prosecutrix which was based on consent. The prosecutrix was not minor at the time of incident, therefore, the consent given was valid. Hence, it is prayed that the

applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident, the prosecutrix was minor, therefore, the physical relation between the applicant and the prosecutrix amounts to offence of rape. Hence, the applicant is not entitled for grant of bail

4. Heard counsel for both the parties and perused the case diary.

5. As per the prosecution case, it is alleged that this applicant on pretext of marrying the prosecutrix had physical relation with her on numerous occasions as a result of which, she became pregnant. When the prosecutrix asked the applicant to marry her, he refused, therefore, the FIR has been lodged.

6. Considered the submissions and the facts present in this case. Looking to the period of detention of the applicant in jail and the circumstances present, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge