

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6191 of 2020**

- Baliram Mandawi, S/o Boodo, Aged About 20 Years, R/o Village Sirisguda, Distt. Bastar, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through P.S. Parpa Distt. Bastar, Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate.
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.79/2020 registered at Police-Station-Parpa, District-Bastar(C.G.) for the offence punishable under Sections 376 & 417 of IPC and Section 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The statement given by the prosecutrix and her parents reflects that there had been an affair between her and the applicant and they also intended to marry with each other, however, the applicant has refused to marry her a

false FIR has been lodged. The prosecutrix is not a minor, her minority will be challenged in trial, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was clearly a minor girl, therefore, any consent or willingness on her part is immaterial, and further, she has made clear statement that the applicant used to forcefully raped her, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, It is alleged that the applicant on pretext that he will marry the prosecutrix in future took her submission, established physical relation with her which continued for sometime time and as a result she became pregnant thereafter applicant refused to marry her, she has lodged FIR. Hence, this case.
6. Considered on the submissions and also the facts of the case. The statement of no objection made by the complainant, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge