

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6390 of 2020**

Surendra Kumar Goutam @ Surya, S/o. Daman Lal, aged about 24 years,
R/o. Village Palari, Police Station -Gurur, District Balod Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station
Gurur, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/12/2020**

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.299/2020, registered at Police Station – Gurur, District – Balod (C.G.) for the offence punishable under Section 376 & 450 of the Indian Penal Code and Section 4, 5 & 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The relation of the applicant and the prosecutrix was based on consent. The prosecutrix

was not minor on the date of incident. The father of the prosecutrix and the prosecutrix herself have no objection in grant of bail to the applicant and they are present before this Court to make such statement. Hence, it is prayed that the applicant may be released on bail.

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 the age of the prosecutrix was only 16 years and 5 months on the date of incident and further she has given categorical statement against the applicant regarding commission of offence of rape with her, therefore, the applicant is not entitled for grant of bail.
4. The father of the prosecutrix Rishi Ram and the prosecutrix herself are present before this Court along with counsel Mr. Shiv Sahu. They have made statement that they have no objection in grant of bail to the applicant to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant committed house trespass in the house of the prosecutrix and committed the offence of rape with her, regarding which, FIR has been lodged by the prosecutrix herself.
7. Considered on the submissions and the facts of the case. Looking to the present development of things and other circumstances, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram