

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6246 of 2020

- Vikram Das Mahant Son Of Laxmi Das Mahant Aged About 21 Years
Caste - Panika, Resident Of Village - Parsabhatha, Near Shiv Mandir,
Balco Nagar, Tahsil And District - Korba (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station -
Balco Nagar, District - Korba (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Suryakant Mishra, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 27.05.2019 in connection with Crime No.178/2019, registered at Police Station- Balco Nagar, District- Korba, C.G. for offence punishable under Sections 376(2)(n) of I.P.C. and Section 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. According to the facts of the case itself, the F.I.R. lodged is delayed by almost more than one year and the prosecutrix was major on the date of incident. The applicant intends to challenge the ground of minority on which prosecution relies. The applicant is in jail since about one and half year, hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that according to the statement of prosecutrix herself and

proof of date of birth, her age was about 16 years when the incident occurred, therefore, it is a clear case of sexual offence committed by the applicant. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant on pretext of marrying the minor prosecutrix, exploited her sexually on number of occasions because of which she became pregnant. This continued for about one and half years and then the prosecutrix has lodged F.I.R. against the applicant.
6. Considered on the submissions and the facts of the case and also looking to the time taken in development of things, I am of this view that it would be proper to grant regular bail to the applicant during the pendency of this case.
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, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge