

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6486 of 2020

- Vikash Bada S/o Shri Balram Bada, Aged About 23 Years, R/o Village Petla, Police Station Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kansabel District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Arun Kumar Shukla, Advocate.

For Non-applicant/State – Shri Sameer Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-10-2020

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 16-07-2020 in connection with Crime No.50/2020 registered at Police Station – Kansabel, District Jashpur, Chhattisgarh for the offence under Section 363, 366(A), 376, 506B, 212 of the IPC and Section 5 & 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. According to the story in the FIR itself the affair of the applicant and the prosecutrix started in 13-03-2017 even then the FIR has been lodged belatedly after more than three years on 08-07-2020. The prosecutrix was major on the date this FIR was lodged. Therefore, story of the prosecution is improbable and misconceived. The applicant is in jail since 16-07-2020. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that as per the statement of the prosecutrix herself on the date

she was exploited sexually by the applicant she was minor and further she has made clear allegation against the applicant regarding commission of offence of rape. Hence, the application may be rejected.

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

5. As per the case, it is alleged that on 13-03-2017 the applicant met with the minor prosecutrix in her village and then making promise that he will marry her in future he had physical relation with her without her willingness. This relationship continued until the prosecutrix became pregnant and she gave birth to a child on 30-07-2019. Subsequent to this event, the prosecutrix came to know that the applicant has kept some other woman. She approached the applicant and asked him to marry her and on his refusal she lodged the FIR.

6. After considering on the entire case and submissions. Looking to the delay that has taken place in the lodging of the FIR and other circumstances, I feel inclined to allow this application.

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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge