

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6971 of 2020**

Ranjit Uraon, S/o. Etwar Uraon, aged about 25 years, Occupation - Rajmistri, R/o. Village Ratakhar Korba, Ward No. 3, Tahsil and District Korba Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, O.P. Cauki Kharsiya, Police Station -Kharsiya, Raigarh -District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate

For Respondent/State : Mr. Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/11/2020**

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.828/2018, registered at Police Station – O.P. Chauki - Kharsiya, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 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. No case is made out against the applicant according to the material present in the case diary. The prosecutrix had been a consenting party, which is reflected from her statement under Section 161 and 164 of Cr.P.C.. The applicants intends to challenge the ground of minority of the prosecutrix in trial. The applicant is in jail since 25.08.2020. 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 prosecutrix was only age of 16 years and 5 months on the date of incident, therefore, any consent or willingness on her part is immaterial. Therefore, it is prayed that the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant enticed the minor prosecutrix with false promise to marry her and then the applicant abducted the minor prosecutrix and kept her in his custody and exploited sexually on numerous occasion as a result of which, she became pregnant.
6. After Considering on the submissions and the facts present in the case and particularly the statement that has been given by the prosecutrix in the investigation, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram