

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6908 of 2020

Rohit Bhoy, S/o Bhogilal Bhoy, Aged About 20 Years, Caste Sanwara, Occupation Agriculture Labour, R/o Village Danighati, Police Station & Tahsil- Sarangarh, District- Raigarh (C.G.)

--- Applicant

Versus

State of Chhattisgarh, District Magistrate Raigarh District- Raigarh (C.G.) and through the Station House Officer, Police Station- Baramkela, District- Raigarh (C.G.)

--- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate.

For State/ Respondent : Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07/12/2020

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. 65/2020, registered at Police Station- Baramkela, District- Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 28.04.2020 and has been falsely implicated in this

case. The prosecutrix was not minor on the date of incident. The applicant intends to challenge minority of the prosecutrix in the trial. Totally false FIR has been lodged against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age only 15 years and 6 months on the date of incident and further, there is clear statement of minor prosecutrix regarding her physical and sexual exploitation, therefore, the applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. The prosecutrix is present before this Court virtually through the help desk of District Legal Services Authority, Raigarh and she has made statement that she has no objection in grant of bail to this applicant
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that the applicant and the prosecutrix were acquainted with each other since their childhood. On 24.04.2020, the applicant enticed the minor prosecutrix with promise to marry her and then, by abducting her, he kept her in his custody in a place where, he had made physical relation with her. The prosecutrix was then, recovered on 28.04.2020 by the police. On the basis of statement given by the prosecutrix, offences have been registered against the applicant.

7. Considered on the submissions and the facts present in this case. After considering that the prosecutrix has no objection in grant of bail to this applicant and also the other circumstances present, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge