

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6751 of 2020

Rajendra Majhwar, S/o Tejram Majhwar, Aged About 21 Years, R/o Gram Pratappur, Police Station- Darima, District- Surguja (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station- Darima, District- Surguja (C.G.)

--- Respondent

For Applicant : Mr. Punit Ruparel, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29/10/2020

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. 18/2020, registered at Police Station- Darima, District- Surguja (C.G.) for the offence punishable under Section 363, 366, 376(2) (b) of IPC and Section 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 14.05.2020 and has been falsely implicated in this case. No case is made out against this applicant. The relationship of the applicant and the prosecutrix was based on consent. The prosecutrix was not minor on the date of incident. The applicant will challenge the ground of minority of the prosecutrix in the trial. 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 there is categorical statement made by the prosecutrix about physical relation with the applicant and for the reason that she is minor, is constituted the commission of offence of rape, therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the applicant abducted the minor prosecutrix and on pretext of marrying her by keeping her in his custody, he has exploited her sexually until she was recovered by the police.
6. Considered on the submissions and the facts present in this case. After considering on the statement that has been given by the prosecutrix, 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.
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