

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7197 of 2020**

- Arjun @ Triloki Gendre S/o Shri Labho Gendre, Aged About 25 Years, Caste- Satnami, R/o Village- Charghat, Police Station- Darhi, Civil and Revenue District- Bemetara, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through- The Station House Officer, Police Station- Darhi, Civil and Revenue District- Bemetara, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Paras Mani Shriwas, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Shri U.P.S. Sahu, Advocate for the complainant.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**14-12-2020**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-03-2020 in connection with Crime No.28/2020 registered at Police Station – Darhi, District- Bemetara, Chhattisgarh for the offence under Section 376, 506 (B) of the IPC and Section 6, 12, 5(L) of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that this is second application filed by the applicant before this Court for grant of regular bail. The earlier bail application, MCRC No.4321/2020 was dismissed as withdrawn on 11-08-2020. It is submitted that the applicant innocent and he has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and there had been consensual relation of the applicant with the prosecutrix which has also resulted in birth of the child. The prosecutrix is now residing with family of the applicant, as the parents of the applicant and the prosecutrix both have agreed to perform their marriage, regarding which the prosecutrix has also sworn affidavit in favour of the applicant. Therefore, it is prayed that this applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the case diary the prosecutrix was clearly minor on the date of incident, therefore, any consent by her is immaterial and commission of offence by the applicant is made out. Therefore, the application may be rejected.
4. The prosecutrix herself is present before this Court along with counsel Shri U.P.S. Sahu. It is submitted on her behalf that she has no objection in grant of bail to the applicant.
5. Heard the submissions made and perused the case diary.
6. According to the prosecution case, the applicant had an affair with the minor prosecutrix since about two years and he was continuously having physical relation with her which resulted in her pregnancy. When the applicant came to know about the same he threatened the prosecutrix and denied to marry her. Therefore, the FIR has been lodged.
7. Considered on the submissions and facts of the case and looking to the other development that have taken place, I am of this view that the applicant should be granted bail.
8. 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.
9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**