

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7046 of 2020**

- Ajit Kumar Maravi S/o Shrimohan Maravi, Aged About 25 Years, R/o Village Narsinghpur, PS Rajpur District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

**---- Applicant**

**Versus**

1. State Of Chhattisgarh Through Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

**---- Non-applicant**

2. Prosecutrix D/o Bhaganlal, Aged About 20 Years, R/o Village Narsinghpur Post Narsinghpur, PS and Tehsil Rajpur, District Balrampur-Ramanujganj Chhattisgarh. (as per the direction of the Honble Supreme Court, the name of Prosecutrix is not disclosed herein), District : Balrampur, Chhattisgarh

**---- Non-applicant/complainant**

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For Applicant – Shri Jitendra Shrivastava, Advocate.

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

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

**Order on Board**

**09-12-2020**

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 12-07-2020 in connection with Crime No.123/2020 registered at Police Station – Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 376(2)(n) of the IPC and Section 5/6 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has made totally false allegation against the applicant regarding the starting of physical relation since the year 2014 when she was a minor. The prosecutrix has lodged the FIR on 11-07-2020 when she was of age about 20 years. The child that has born to the prosecutrix on 01-04-2020, is also born after her majority, therefore, the physical relation if any that has resulted in birth of the child is after the majority

of the prosecutrix. The prosecutrix has lodged the FIR only for the reason that the applicant has refused to marry her. Therefore, the applicant has not committed any offence. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear statement of the prosecutrix regarding the incident of rape committed in the year 2014 until she became major. The prosecutrix has given birth to a child and according to the FSL report the applicant is biological father of that child. Therefore, no case is made out for grant of bail.

4. Notice was issued to the complainant/prosecutrix which is returned served for fixed date 19-11-2020, but there was no appearance and no representation of the complainant/prosecutrix.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, it is alleged that when the prosecutrix was of age about 14 years this applicant met with her and on pretext of marrying her he started having physical relation with her which continued for some time and then the prosecutrix became pregnant and has given birth to a male child. The applicant then refused to marry the prosecutrix, because of which the FIR has been lodged.

7. Considered on the entire facts and the submissions made by both the sides. The FIR has been lodged after about six years from the date the incident is said to have started and at present the prosecutrix herself is a major who is making complaint of the applicant, hence, under these circumstances, I feel inclined to allow this application.

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**

Aadil