

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6919 of 2020

Lokesh Verma, S/o Arjun Verma, Aged About 22 Years, Resident of Village Khamhariya, Police Station- Amleshwar, District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, District- Durg (C.G.)

--- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06/11/2020

1. This is the second 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. 33/2020, registered at Police Station- Amleshwar, District- Durg (C.G.) for the offence punishable under Section 376 (2)(N) of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.06.2020 and has been falsely implicated in this case. No case is made out against this applicant. Age of the prosecutrix at the time of lodging FIR, was 18 years and 4 months. FIR lodged appears to be delayed by almost one year. The prosecutrix was not minor on the date and time of incident

and relationship of the applicant and the prosecutrix was based on consent. As the applicant had to leave for Maharashtra to earn livelihood and he could not come back due to lockdown, a misunderstanding had been occurred and the prosecutrix has lodged the FIR making allegation against this applicant. The applicant is willing and ready to perform marriage with the prosecutrix, 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 statement given by the prosecutrix in the investigation, is very clear. She was minor at the time of incident, therefore, any consent or willingness on her part, has no consequence, therefore, the 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 proposed the minor prosecutrix to marrying her and then, established physical relation, that continued for sometime and resulted in pregnancy. The prosecutrix asked him to marrying again and again, but the applicant refused, because of which, the FIR has been lodged.
6. Considered on the submissions and the facts present in this case. After considering on the statement that has been given by the prosecutrix and also the statement of the applicant that he intends to challenge the ground of minority of 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

Arun