

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7308 of 2020

Jagjeevan, S/o Aatmram Chandel, Aged About 27 Years, R/o Village-
Daargaon, Police Station- Dhamdha, Tahsil & District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through - SHO, Police Station- Dhamdha,
District- Durg (C.G.)

--- Respondent

For Applicant : Mr. Vaibhav A. Goverdhan, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/12/2020

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. 92/2020, registered at Police Station- Dhamdha, District- Durg (C.G.) for the offence punishable under Section 376 (2) (n), 506 of IPC and Section 5 (6) & 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 11.08.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and there was clear affair present between the applicant and the

prosecutrix. The evidence of witnesses show that in the village meeting, the prosecutrix was asked by the elders to start living in house of the applicant, in which, her father had no objection. Therefore, lodging of FIR by her against the applicant, is totally false and baseless. No case is made out against the 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 according to proof of date of birth, the prosecutrix was of age below 18 years, on the date and time of incident, therefore, any consent or willingness on her part, is of 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 abducted the minor prosecutrix and then, by keeping her in confinement in his own house, he forced her for having physical relation with him, which, occurred on numerous occasions. When the prosecutrix came back to her parents, she narrated about the incident to her parents, then, the FIR was lodged against the applicant.
6. Considered on the submissions and the facts present in this case. The statement given by the prosecutrix under Section 161 & 164 of the Cr.P.C. mentions about the meeting of the village elders and about the agreement that the prosecutrix was asked

to live with the applicant, therefore, under these circumstances, 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 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