

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7581 of 2020

- Sampat Ram Rajwade S/o Rama Dhar Rajwade, Aged About 35 Years, Caste Rajwar, Occupation Self Employed, R/o Village Tilsinwa (Harijanpara), Police Station Surajpur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through The SHO Police Station Surajpur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashok Kumar Shukla, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-12-2020

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 14-06-2020 in connection with Crime No.113/2020 registered at Police Station – Surajpur, District - Surajpur, Chhattisgarh for the offence under Section 363, 376(2n) of the IPC and Section 4 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. shows that there had been a relationship between her and the applicant for some time. The statement about promise to marry is baseless as it was in the knowledge of the prosecutrix herself that the applicant is married. The prosecutrix has then while recording the statement under Section 164 of the Cr.P.C. mentioned her age to be 18 years. Therefore, no case is made out against the applicant. He is in jail since 14-06-2020. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix was minor, therefore, any willingness with respect to the relationship with the applicant is immaterial and further she has clearly alleged against the applicant regarding commission of the offences. Therefore, the application may be rejected.

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

5. As per the prosecution case, on 12-03-2020 the minor prosecutrix went missing. She came back on 13-03-2020 and stated that she had been with the applicant who on pretext of marrying her has exploited her sexually and then he has also refused to marry her, subsequent to which the FIR has been lodged.

6. Considered on the submissions and facts of the case and after looking to the statements given by the prosecutrix under Section 161 and 164 of the Cr.P.C., I am of this view that the applicant should be granted bail.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge