

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7587 of 2020**

Parmeshwar Yadav S/o Dhaneshwar Yadav, Aged About 24 Years R/o. Ward No. 01, Tahsil Chowk, Ambikapur Road Bagicha Station Bagicha, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Jashpur, District Jashpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Anshul Tiwari, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2020**

Heard.

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.158 of 2020, registered at Police Station – Jashpur, District – Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366, 366A, 376 and 506 of the Indian Penal Code and Sections 4, 5 and 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 14.09.2020 and has been falsely implicated in this case. The date of birth of the prosecutrix is 24.12.1997. The FIR has been lodged on 29.7.2020 alleging that the incident had occurred from 1.1.2015, therefore,

there is a delay of about 5 years. The prosecutrix has made vague and false allegations against the applicant regarding the physical relation to have occurred on 1.1.2015. The fact is that the applicant and the major prosecutrix both were having affair and as there was a breakup between them, the false FIR has been lodged. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that as per the statement of the prosecutrix and the date of first incident i.e. 1.1.2015, the prosecutrix was minor, therefore, the offence of rape has been committed by the applicant. According to her statement, no case is made out for grant of bail to the applicant.

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

5. According to the prosecution case, the applicant met with the prosecutrix and then on 1.1.2015, he forcefully had physical relation with her. Subsequent to which, the applicant and the prosecutrix both developed an affair and their physical relation continued for about 5 years until the applicant deserted her, therefore, the FIR has been lodged.

6. After considering the submissions and the facts present in this case, I am of the considered view that this is a fit case for grant of bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge