

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7995 of 2020

- Kamal @ Kamal Narayan, S/o Manharan Sinha, Aged About 24 Years, R/o Village Kehka, Police Station Saja, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, Through - Station House Officer Police Station Saja, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Amit Kumar Sahu, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-12-2020

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 10-10-2020 in connection with Crime No.350/2020 registered at P.S. – Saja, District Bemetara, Chhattisgarh for the offence under Section 376, 506 of the IPC and Section 5 and 6 of Protection of Children from Sexual Offences Act, 2012.

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. She has willingly resided with the applicant for about four months and had physical relation with him which was based on consent. It was because of the dispute that arose later on, false FIR has been lodged by the prosecutrix. The applicant is in jail since 10-10-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was clearly minor, therefore, any willingness or consent on her part is of no consequence. Hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. The prosecution case is this, that the applicant developed affair with the minor prosecutrix. Subsequent to which, the prosecutrix started residing with him and during this period the applicant established physical relation with her on numbers of occasion knowing well that the prosecutrix was not capable of giving valid consent for such relationship. Hence, this case.
6. Considered on the submissions and facts of the case and looking to the circumstances present, I feel inclined to allow this application.
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