

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 121 of 2021

- Prabhakar Baghel S/o Fulsingh, Aged About 25 Years, R/o Village Nawadih (Lapti), Police Station- Lormi, Distt. Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Khursipar, District- Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Hemant Kesharwani, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

23-03-2021

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 03-12-2020 in connection with Crime No.240/2019 registered at P.S. – Khursipar, District- Durg, Chhattisgarh for the offence under Section 376 of the IPC and Section 4, 6 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. The applicant is in jail since 03-12-2020. The applicant and the prosecutrix both had affair and therefore, the relationship between them was consensual. The prosecutrix was not minor. The FIR was lodged only for the reason that the applicant has refused to marry the prosecutrix. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, any consent or willingness on her part is immaterial. The applicant has clearly refused to take the responsibility of the prosecutrix whom he has made pregnant because of the relationship and affair. Hence, the application may be rejected.

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

5. According to the prosecution case, it is alleged that this applicant on pretext of marrying the prosecutrix in future established physical relation with her and continued it on numerous occasions, as a result of which the prosecutrix became pregnant. After knowing about pregnancy of the prosecutrix the applicant refused to marry her. Hence, this case.

6. Considered on the submissions. Taking into consideration this fact that the prosecutrix has in her statement mentions about her affair with applicant and the other 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