

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 696 of 2021**

Deepak Ram @ Gola Ram, S/o. Visnath Bhuihar, aged about 20 years, R/o. Savni, Police Chowki Ganesh Mod, P.S. Balrampur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, P.S. Balrampur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent/State : Mrs. Beenu Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/02/2021**

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.176/2020, registered at Police Station – Balrampur, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376 (2) (N) of the Indian Penal Code and Section 5, 6 and 9 (N) of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was

not minor. It was on the call made by the prosecutrix herself, the applicant had taken her to places and it was on her consent, he had physical relation with her, which is reflected from her statement under Section 164 of Cr.P.C. Hence, it is prayed that the applicant may be released on bail.

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 on the date of incident, the prosecutrix was minor, therefore, any willingness and consent on her part is immaterial. Therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on 11.10.2020 the prosecutrix went missing. After lodging of missing report and FIR, she was then recovered on 13.10.2020 from the custody of this applicant. According to the statement given by the prosecutrix, the offences were then registered against the applicant.
6. Considered on the submissions and the facts of the case and also the statement of the prosecutrix given under Section 164 of Cr.P.C. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C. this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram