

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 826 of 2021

Ram Bharos, S/o Jai, Aged About 18 Years, Caste Bargarh, R/o Village Navanagar, P.S. Darima, Tahsil- Ambikapur, District- Surguja (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Darima, District- Surguja (C.G.)

--- Respondent

For Applicant	:	Mr. Nishikant Sinha, Advocate.
For State/ Respondent	:	Mrs. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/02/2021

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. 113/2020, registered at Police Station- Darima, District- Surguja (C.G.) for the offence punishable under Section 363, 366-A, 376(2)(L) of IPC and Section 4, 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 13.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The prosecutrix and the applicant had affair and they had consensual

relation, therefore, no case is made out against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 16 years on the date of incident, therefore, any willingness and consent on her part, is immaterial. There are clear allegation against this applicant regarding commission of offence, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. The case of the prosecution is this, that the applicant and the minor prosecutrix both were known to each other and were having affair. It is alleged that this applicant abducted the minor prosecutrix from her lawful guardianship and then, by keeping her in his custody, exploited her sexually, which continued for sometime until she recovered by the police.
6. Considered on the submissions and the facts present in this case. Looking to the statement that has been given by the prosecutrix under Section 161 & 164 of the Cr.P.C. and also the other circumstances present, I am of this view that it would be proper to release the applicant on bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun