

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1046 of 2021

- Egnesh Tigga S/o Paskal Tigga, Aged About 21 Years, Caste- Uraon, R/o Village- Madhwa, Tahsil and Police Chowki - Manora, Police Station - Jashpur, District- Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police of Police Station - Bagicha, District- Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjeev Kumar Sahu, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-02-2021

Heard.

Admit.

State counsel submits that the case diary is available.

Both the counsel have agreed to make their submissions.

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 24-11-2020 in connection with Crime No.205/2020 registered at Police Station – Bagicha, District- Jashpur, Chhattisgarh for the offence under Section 376 of the IPC and under Section 4, 6 of the 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 statement of the prosecutrix under Section 164 of the Cr.P.C. clearly exonerates the applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the minor prosecutrix clearly alleges about her relationship with the applicant since January, 2020, as a result of which she

became pregnant and gave birth to a child on 23-11-2020 and it is on the day the FIR has been lodged. Therefore, no case is made out for grant of bail.

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

5. The case of prosecution is this, that the applicant on pretext of marrying the minor prosecutrix had forceful physical relation with her, as a result of which she became pregnant and has given birth to a child regarding which the FIR has been lodged.

6. Considered on the submissions and also on the statement of the prosecutrix under Section 164 of the Cr.P.C. and looking to that, 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