

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1109 of 2021**

Rajveer, S/o. Ramprakash, aged about 22 years, R/o. Village-Chamedi, Tehsil-Gohad, P.S-Mau, District-Bhind, Madhya Pradesh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Police Station- Khadgawan, District-Koriya Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate

For Respondent/State : Mr. Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/03/2021**

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.58/2020, registered at Police Station – Khadgawan, District – Koriya (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The statement of the

prosecutrix shows about her willingness and consensual relationship with the applicant. The applicant and the prosecutrix both have performed marriage and as a result of which, the prosecutrix has given birth to a male child after completion of her pregnancy, therefore, there is no case against this applicant. 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 the prosecutrix was minor and therefore, any consent or willingness on her part is immaterial. Hence, it is prayed that the application be rejected.
4. Complainant – Gopal is present before this Court on notice along with the minor prosecutrix. He and the prosecutrix both have no objection in grant of bail to the applicant and submitted that they have accepted the marriage.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that on 20.12.2019, the prosecutrix was travelling on train, when she got acquainted with the applicant. On the proposal made by the applicant that he wants to marry the prosecutrix, she went along with him to his village Chamedi, District – Bhind. It is alleged that the applicant kept the minor prosecutrix in his custody and exploited her sexually as a result of which, she became pregnant.
7. Considered on the submissions and also considered on the statement given by the prosecutrix. Further there is statement of no objection

made by the complainant and the prosecutrix both, therefore, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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