

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1062 of 2021

Harishankar Netam, S/o Late Shri Aajuram Netam, Aged About 21 Years, R/o S.B.R. Compound, PS Civil Lines, District- Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through The Station House Officer, Police Station Civil Lines, Bilaspur, District- Bilaspur (C.G.)

--- Respondent

For Applicant : Mr. Vivek Kumar Shrivastava, Advocate.
For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12/02/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 507/2020, registered at Police Station- Civil Lines, District- Bilaspur (C.G.) for the offence punishable under Section 376 (2) (N) of IPC and Section 4 of the Protection of Children from

Sexual Offences Act, 2012.

6. Learned counsel for the applicant submits that the applicant is in jail since 09.01.2021 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant intends to challenge minority of the prosecutrix in the trial. The prosecutrix and the applicant both are having love affair, which the prosecutrix has admitted in her statement under Section 164 of the Cr.P.C. and according to her statement, she has intention to marry the applicant. No case is made out against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age about 16 years on the date of incident, when the applicant ravished her and there is evidence regarding commission of offence by the applicant. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. The case of the prosecution is this, that the applicant by putting the prosecutrix under threat, forcibly had physical relation with her on 16.04.2019, which continued for sometime, until FIR lodged by mother of the prosecutrix on 16.07.2020.
10. Considered on the submissions and the facts present in this case. Looking to the statement that has been given by the prosecutrix under Section 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.

11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. 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