

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1382 of 2021

- Santosh Ram Paikra, S/o Samal Ram, Aged About 26 Years, R/o Kothli, Police Station-Shankargarh, District-Balrampur, Ramanujganj (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Shankargarh, District-Balrampur Ramanujganj (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For Respondent/State	:	Mr. Afroz Khan, Panel Lawyer.
For Objector	;	Mr. Rishi Rahul Soni, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/03/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.24/2021 registered at Police-Station-Shankargarh, District-Balrampur-Ramanujganj(C.G.) for the offence punishable under Section 376(2)(ढ) of IPC and Section 4, 6 of POCSO Act.
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 on the date of incident. The affair of the applicant with the prosecutrix had continued for almost 5 years, during which she had never made any complaint which shows her consensual relationship. Because of some dispute between them, the false FIR has been lodged on 30.1.2021. The applicant has not committed any offence, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence against this applicant regarding the commission of offence of rape with the minor prosecutrix, therefore, he is not entitled for grant of bail.
4. Mr. Rishi Rahul Soni, Advocate has appeared for the complainant. It is submitted that the complainant has made objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is submitted that the applicant had been sexual exploiting the prosecutrix on pretext of marrying her since 10.12.2016, when she was minor of age below 18 years. This exploitation continue up till 28.8.2020. The applicant then refused to marry the prosecutrix, subsequent to which the FIR has been lodged.
7. Considered on the submissions. After taking into consideration the statement of the prosecutrix and the other circumstances present, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha