

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1818 of 2021

- Rajkumar @ Pintu S/o Shivnarayan Markam Aged About 25 Years Caste Goand R/o Village Jhin Puri Bhadra, Out Post Korbi Police Station Pasan Tahsil Podi Uprora, District Korba Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through, Station House Officer, Out Post Korbi Police Station Pasaan District Korba Chhattisgarh

---- Non-applicant

For Applicant – Shri Shubham Tripathi, Advocate.

For State/Non-applicant – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2021

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 28-12-2020 in connection with Crime No.139/2020 registered at Police Station – Out Post Korbi Police Station Pasaan, District Korba, Chhattisgarh for the offence under Section 354, 376 of the IPC and Section 6, 8 of 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 prosecutrix was not minor on the date of incident. The only reliance of the prosecution is entry in the school register, which is not a conclusive proof of age. The X-ray report of the prosecutrix shows that she was of age between 16 to 18 years, therefore, having margin of two years on either side the prosecutrix may be treated as major. The applicant is in jail since 28-12-2020. The trial is not making any progress. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that clearly the prosecutrix is minor in this case and she has remained consistent in her statement under Section 161 and 164 of the Cr.P.C. making allegation of rape against this applicant. Therefore, the application may

be rejected.

4. The prosecutrix herself is present before this Court through Help Desk of DLSA Korba. She has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 18 years who was then raped by him, regarding which the FIR has been lodged and the case has been investigated.

7. Considered on the submissions and the entire facts. Taking into consideration the statement of no objection made by the prosecutrix herself and further that the trial is getting delayed because of continuation of pandemic situation, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge