

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1777 of 2021**

Krishna @ Ashish Sethiya, S/o. Mohanlal Sethiya, aged about 28 years, R/o. Village Loda, Police Station -Pushpal, District -Sukma, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Tongpal, District Sukma Chhattisgarh.

---- Respondent

For Applicant : Mr. Saumitra Kesharwani, Advocate

For Respondent/State : Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/08/2021**

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.29/2020, registered at Police Station – Tongpal, District – Sukma (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of Scheduled Caste and Scheduled Tribe (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 applicant is in jail since 21.09.2020. The statement of the prosecutrix under Section

164 Cr.P.C. shows that there had been consensual relationship and affair between the applicant and the prosecutrix since the year 2016. At present, the prosecutrix is major of age about 20 years. 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 there is clear evidence that the applicant has exploited the minor prosecutrix on the pretext of marrying her and because of her minority, her consent and willingness can not be looked into. Therefore, the application be rejected.
4. Prosecutrix is virtually present through the Help Desk of this High Court and she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant and the prosecutrix were acquainted since 2013. In the year 2016, on the pretext of marrying her, the applicant exploited the prosecutrix sexually, which continued up to 2020, during this period, the prosecutrix also became pregnant. The applicant then administered some drugs and herbs for termination of her pregnancy. Subsequent to which, the applicant refused to marry the prosecutrix. Hence, FIR has been lodged.
7. Considered on the submissions. Looking to the statement given by the prosecutrix and the present circumstances and also for the reason that the prosecutrix herself has no objection in grant of bail to the applicant, 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