

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1767 of 2021

- Jeetbahan Ram S/o Mahipal Ram, Aged About 20 Years Caste - Lohar, R/o Village - Bhalmanda, Police Station And District - Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer Of Police Chowki - Lodam Police Station - Jashpur, District - Jashpur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sanjeev Kumar Sahu, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 09.11.2020, in connection with Crime No.222/2020, registered at Police Station- Chowki Lodam P.S. Jashpur, District- Jashpur, C.G. for offence punishable under Sections 363, 366(क) and 376 of I.P.C. and Sections 03 and 04 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The statement of prosecutrix under Section 164 of Cr.P.C. shows that she was willing and consenting party and she willingly went with the applicant and resided with him for three days under no compulsion. Therefore, there is no case present against the applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is a statement of prosecutrix under Section 161 of Cr.P.C. regarding clear allegation against the applicant for commission of offence of rape, therefore, it is prayed that this application may be rejected.
4. Complainant- Manjeetram is virtually present before this Court through the Help Desk of D.L.S.A. Jashpur and he 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, the applicant and the prosecutrix both knew each other and liked each other. On 29.10.2020, on a call made by the applicant, the prosecutrix went and resided with him for about three days. Subsequent to which, this F.I.R. was lodged. Hence, this case.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 of Cr.P.C. and also that the complainant has no objection in grant of bail to the applicant, 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