

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2072 of 2021**

Omen Kumar Sahu, S/o. Babulal Sahu, aged about 20 years, R/o. Sakin Mathpara Kachna, Thana and Khamardih, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Khamardih, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Ms. Rina Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/03/2021**

Heard.

1. Admit.
2. At the consent of both the parties, the bail application is heard finally.
3. 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.25/2021, registered at Police Station – Khamardih, District – Raipur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

4. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant and the prosecutrix both had an affair and they also wanted to marry. The prosecutrix is not minor and because of misunderstanding, false FIR has been lodged. The applicant is in jail since 12.02.2021. Hence, it is prayed that the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor and therefore, any consent or willingness on her part is immaterial. Hence, it is prayed that the application be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Case of the prosecution is this that on 23.11.2019, this applicant raped the minor prosecutrix on the pretext of marrying her. The applicant gave assurance to the prosecutrix that he will marry her in future and continued exploiting her. Subsequently, the prosecutrix came to know that the applicant is going to marry some other girl, therefore, she has lodged FIR on 03.02.2021.
8. Considered on the submissions and the facts of the case. Looking to the circumstances present and also the statement of the prosecutrix, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. 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