

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 2126 of 2021**

Ankit Kujur S/o Anand Prakash Kujur Aged About 26 Years Caste Uraon, R/o Jurudand, P.S. Bagicha, District Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-Bagicha, District Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri C. Jayant K. Rao, Advocate.  
For the Respondent/State : Smt. Smriti Shrivastava, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****28.07.2021**

Heard.

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.35 of 2021, registered at Police Station – Bagicha, District – Jashpur, Chhattisgarh for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Sections 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.2.2021 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and further, the statement under Section 164 of the Cr.P.C. shows about the love affair between the applicant and the prosecutrix, which is continued from September, 2018 till

the year 2020 subsequent to which, some dispute has arisen because of which, the false FIR has been lodged. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged 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 present against the applicant in the diary statement. Hence, no case is made out for grant of bail to the applicant.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

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

6. As per the case of the prosecution, the applicant and the prosecutrix had love affair since the year 2018. For the first time, the applicant established physical relation with the minor prosecutrix on 6<sup>th</sup> September, 2018 subsequent to which, he again had physical relation with her in the year 2020 because of which, she became pregnant. When the prosecutrix informed about the pregnancy to the applicant then he provided her some medicine and on consuming the same, the pregnancy of the prosecutrix got aborted. Subsequent to which, the applicant started negotiating for marriage with some other girl because of which, the FIR lodged by the prosecutrix.

7. Considered the submissions and the facts present in this case. Considering the fact that on the date of lodging the FIR, the prosecutrix was major, therefore, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge