

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2493 of 2021

- Narendra Khunte S/o Mohanlal Khunte Aged About 28 Years R/o Indira Awas, Ward No. 20, Village Dhuma, Police Station Sirgitti, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Non-applicant/State : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-09-2021

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 22.02.2021, in connection with Crime No.215/2020, registered at Police Station- Sirgitti, District- Bilaspur, C.G. for offence punishable under Sections 376, 376(2)(n) and 506 of I.P.C. and Section 5(1) and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 22.02.2021. Charge-sheet has been filed. The statement of the prosecutrix herself under Section 161 and 164 of Cr.P.C. shows that there had been a relationship which continued for almost one year, before the F.I.R. was lodged, which shows that the prosecutrix was consenting party. Further, the ground of minority of prosecutrix shall be challenged in trial by the applicant. The trial is getting delayed, hence, it

is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the age of prosecutrix had been below 16 years on the date of incident, therefore, any consent or willingness on her part is immaterial, therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, this applicant allured the minor prosecutrix with false promise to marry her and then he exploited her sexually on a number of occasions and lastly, he has refused to marry her, then this F.I.R. has been lodged. Hence, this case.
6. Considered on the submissions and taking into consideration the statement of prosecutrix in the investigation and the other circumstances present regarding delay in conclusion of trial, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge