

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2627 of 2021**

Jugal Kishore Prasad Gupta S/o Late Shivshankar Gupta, Aged About 25 Years Caste- Rauniyar, R/o Village Barhi, P.S. And District Lohardaga (Jharkhand)

Presently Resided At Village- Duldula, P.S. And Tahsil- Duldula, District- Jashpur Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer, Police Station- Duldula District Jashpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Vivek Bhakta, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.06.2021**

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.74 of 2020, registered at Police Station – Duldula, District – Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366(A), 376(2)(n), 323 and 506 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1) w(i) and 2(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.11.2020 and has been falsely implicated in this case. The prosecutrix is not minor and there had been consensual relation between her and the applicant. 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 the the prosecutrix had been consistent in her statement under Sections 161 and 164 of the Cr.P.C. that she was raped by this applicant. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, it is alleged that this applicant made a proposal to the minor prosecutrix of age below 18 years that he likes her and he wants to marry her. At the instance, the applicant and the prosecutrix met each other and then on the pretext of marrying the prosecutrix, the applicant had physical relation with her and this relationship continued for a few months and subsequent to that, FIR has been lodged.

6. Considered the submissions and the facts present in this case. Looking to the circumstances present, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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