

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3747 of 2021

- Sanjay Kumar Rajwade S/o Late Arjun Rajwade, Aged About 25 Years
Occupation Service, R/o. Village Khonpa, Police Chowki Karanji, Police
Station Bishrampur District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Of
Police Station Bishrampur (Chowki Karanji), District Surajpur
Chhattisgarh

---- Non-applicant

For Applicant : Mr. Goutam Khetrapal, Advocate.

For Non-applicant/State : Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2021

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 12.03.2021, in connection with Crime No.64/2021, registered at Police Station- Bishrampur (Chowki Karanji), District-Surajpur, C.G. for offence punishable under Section 363, 366-A and 376(2)(N) of I.P.C. and Sections 06 and 04 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 12.03.2021. The date of incident as mentioned is of the year 2017

whereas the F.I.R. has been lodged on 10.03.2021 after a delay of 03 years and on this date the prosecutrix was major. The story of the prosecution shows long relationship of 03 years of the applicant with the prosecutrix which itself can be said to be a consensual relationship. Therefore, the F.I.R. lodged is totally false and baseless. 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 contents in F.I.R. in the statement of prosecutrix under Section 161 and 164 of Cr.P.C. are clearly and categorically against this applicant and further on the date, the first incident occurred, the prosecutrix was clearly a minor of age below 15 years. Therefore, there is no case present for grant of bail to the applicant.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Surajpur and she has made objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, in the year 2017, this applicant made proposition of marriage to the minor prosecutrix and then had physical relation with her. Subsequent to that by repeating the promise to marry her on her attaining majority, the applicant continued her physical exploitation on a number of occasions. Lastly, when the prosecutrix attained majority, she came to know that the applicant has married with another girl, therefore the F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances that are present and also that delay that is occurred in lodging the F.I.R., 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

Monika