

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3001 of 2021

- Brijesh Rajwade @ Bijeshwar Rajwade, S/o Shri Sant Ram Rajwade, Aged About 28 Years, R/o. Village- Pachira, P.S. and District - Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through, Station House Officer Surajpur, District- Surajpur (Chhattisgarh), District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-04-2021 in connection with Crime No.182/2021 registered at P.S. - Surajpur, District- Surajpur, Chhattisgarh for the offence under Section 366 A, 323 & 376 (2) (n) of the IPC and Sections 4 & 6 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 11-04-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. reveal that there had been love affair of the applicant with the prosecutrix and they were also met with each other in the month of January, 2021 and the applicant took the prosecutrix to his own house on pretext of marrying her. Subsequent to which, because of some dispute the prosecutrix has come back to her father and lodged the false FIR, therefore, there is no case present against the applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant had been sexually exploiting the minor

prosecutrix since the time when she was minor and at the age of 17 years the prosecutrix had become pregnant also. Further, there is clear statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. against the applicant. Therefore, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Surajpur. She has objection in grant of bail to this applicant.

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

6. According to the prosecution case, on 11-04-2021, the FIR has been lodged by the father of the prosecutrix and on that date the prosecutrix was major. It is reported that about four years prior to the lodging of the FIR the prosecutrix and the applicant developed love affair and were meeting each other and also having physical relation. In the month of January, 2021 the applicant took the prosecutrix to his house for the purpose of marrying her and thereafter he exploited her sexually, maltreated her, abused and threatened her, because of which the FIR was lodged.

7. Considered on the submissions. Taking into consideration the statement of the prosecutrix and the long affair of the applicant with her and also that on the date of lodging of the FIR the prosecutrix was major, 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