

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3162 of 2021

Bhagwat Sinha, S/o. Shri Gokul Prasad Sinha, aged about 23 years, R/o. Professor Colony, Police Station Purani Basti, Raipur, District Raipur Chhattisgarh. Mob. No. 7089790227.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station - Purani Basti, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate
For Respondent/State : Mr. Sameer Uraon, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/06/2021

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 57/2021 registered at Police Station – Purani Basti, District Raipur (C.G.) for the offence punishable under Sections 376, 323, 506 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children From Sexual Offences Act.
2. It is submitted that the applicant has been falsely implicated in this case. The applicant is in jail since 11.03.2021. The prosecutrix was not

minor when the relationship of the applicant and the prosecutrix started. The prosecutrix has no objection in grant of bail to the applicant and she has appeared before the Sessions Court and made such statement, which was not considered. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and submits that that clearly the prosecutrix was minor on the date of incident, therefore, her consent or willingness is immaterial, therefore, the application be rejected.
4. The prosecutrix was virtually present before this Court on 17.06.2021 and she had made statement of no objection in grant of bail to the applicant. Today also, the prosecutrix has appeared through Help Desk of District Legal Services Authority, Raipur and she has stated that she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant developed physical relation with the minor prosecutrix on March, 2017, which continued for sometime and their physical relation continued for number of occasions. Thereafter, the FIR has been lodged.
7. Considered on the submissions. The minority of the prosecutrix has been disputed by the applicant side and further the submission regarding their relationship based on consent is to be examined in the trial, for the present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

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