

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3378 of 2021

- Ramesh Chouhan S/o- Vindhychal, Aged About 26 Years, Caste-Gada, R/o- B-Seam Khongapani, P.S.- Jhagrakhand, Distt.- Koriya (Chhattisgarh) Presently residing at Village- Jadaar, P.S.- Panipara, Dist.- Mahrajganj (Uttar Pradesh), District : Mahrajganj, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S.- Jhagrakhand, Distt.- Koriya (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Ram Sajiwan, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2021

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 13-03-2021 in connection with Crime No.64/2021 registered at Police Station – Jhagrakhand, District Koriya Chhattisgarh for the offence under Section 376(2) (n) of the IPC and Section 4, 6 of POCSO Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. The prosecutrix was not minor on the date of incident, hence, there is no case against the applicant. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was of age below 18 years on the date of incident, therefore, her consent and willingness is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through DLSA Manedragarh. She has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant on pretext of marrying the prosecutrix had physical relation with her continuously, regarding which the FIR has been lodged.

7. Considered on the submissions. The prosecutrix had made statement of no objection before the Sessions Court also and she is making the same statement before this Court. Hence, under these circumstances, 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