

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3304 of 2021**

Ramprasad Bariha, S/o. Bhagwan Singh Bariha, aged about 38 years, R/o. Village- B.K. Bahra, Police Station- Khallari, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Khallari, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2021**

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.51/2021, registered at Police Station – Khallari, District – Mahasamund (C.G.) for the offence punishable under Section 376 (2) (a) of the Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 07.04.2021. The prosecutrix was not minor on the date of incident and her statement under Section 161 and 164 of Cr.P.C. reveals that her physical relation with the applicant was consensual. Therefore, there is no case present against the applicant. Hence, it is prayed that the applicant may be released 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 prosecutrix was minor, therefore, her consent or willingness is

immaterial. Hence, the applicant is not entitled for grant of bail.

4. Prosecutrix victim is present virtually before this Court on notice through Help Desk of this District Legal Services Authority, Mahasamund. She has 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 the prosecution case, it is alleged that on 04.04.2021, the applicant attempted to abduct the minor prosecutrix at that time, the complainant, the mother of the prosecutrix came out, seeing her, the applicant run away from there. The prosecutrix then revealed to her mother, that the applicant had by putting her under threat to commit suicide, have physical relation with her on 13.12.2020, 02.01.2021 and 10.02.2021 by calling her in his own house.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. and also that her age is merely about 18 years, 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 the Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge