

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3610 of 2021

- Faguram Sahu S/o Late Jethuram Sahu, Aged About 19 Years, R/o BSUP Colony, Khalbad, Block No.: 26, Room No.: 24, Saddu, P.S. Vidhan Sabha, Raipur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through: The Police Station Vidhan Sabha, Raipur District : Raipur Chhattisgarh

----Non-applicant

For Applicant – Shri N.Naha Roy, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2021

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 14-01-2021 in connection with Crime No.22/2021 registered at Police Station – Vidhan Sabha, Raipur, District Raipur, Chhattisgarh for the offence under Section 376 of the IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail 14-01-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. reflects that she was a willing and consenting party in the relationship with the applicant. Further, she was also not minor on the date of incident. Therefore, no case is 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 the age of the prosecutrix was only 16 years and 3 months, therefore, her willingness and consent is of no consequence. Hence, the application may be rejected.

4. Notice issued to the complainant has been returned served for a date 15-07-2021 on which there was no appearance and no representation from the complainant side.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant allured the minor prosecutrix and exploited her sexually on pretext of marrying her.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C., 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