

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3589 of 2021**

Shiv Kumar Vishwakarma Kulip Thakur S/o Late Poonam Vishwakarma
Aged About 27 Years R/o Piparchhedi, District Gariyaband Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, P.S. Piparchhedi,
District Gariyaband Chhattisgarh.

---- Respondent

For the Applicant : Shri Neelam Khan, Advocate.
For the Respondent/State : Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2021**

Heard.

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.22 of 2020, registered at Police Station – Piparchhedi, District – Gariyaband, Chhattisgarh for the offence punishable under Sections 376(2)(dha), 506 and 313/ 34 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 18.3.2021 and has been falsely implicated in this case. The prosecutrix is not minor and there had been an affair between the applicant

and the prosecutrix. The FIR has been lodged by the father of the prosecutrix because he had objection to this relationship. Hence, it is prayed that the applicant be enlarged 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 age of the prosecutrix is below 18 years and her consent and willingness for this relationship is immaterial. Hence, the applicant is not entitled for grant of bail.

4. Complainant – Nand Kumar Netam and the minor prosecutrix both are virtually present through the Help-Desk of this High Court. They made a statement that they have no objection in grant of bail to the applicant.

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

6. According to the prosecution case, the applicant and the minor prosecutrix both are having love affair and also had physical relation because of which, the minor prosecutrix became pregnant and her pregnancy was aborted later on. The father of the prosecutrix has lodged the FIR.

7. Considered the submissions and the facts present in this case. Looking to the statement of no objection made by the complainant party, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge