

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3737 of 2021

- Bhanupratap Chandravanshi, S/o Panchram Chandravanshi, Aged About 25 Years, R/o Tumdhileva, P. S. Dongargaon, District- Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station P.S. Dongargaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shobhit Koshta, Advocate.
For State/respondent	: Mr. Samir Uraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/07/2021

Heard.

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.69/2021 registered at Police-Station-Dongargaon, District-Rajnandgaon(C.G.) for the offence punishable under Sections 376, 376(2)(n), 450 of IPC and Section 4, 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Charge-sheet has

been filed. Trial is not making any progress. The prosecutrix have stated in her statement under Section 164 CrPC about her affair with the applicant, therefore, she was willing and consenting party. She and the applicant were found in intimate condition by her uncle. Therefore, false FIR has been lodged. The prosecutrix was not minor on the date of incident, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix was clearly minor on the date of incident, therefore, her consent or willingness is of no consequence, hence, the application be rejected.
4. Complainant is virtually present before this Court through the 'Help Desk' of DLSA-Rajnandgaon on notice. He has stated that he has objection in grant of bail to this 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 has sexually exploited the minor prosecutrix of age below 18 years on pretext of marrying her regarding which FIR has been lodged.
7. Considered on the submissions. The age of the prosecutrix in this case is just short of 18 years. After considering on her statement given under Section 164 CrPC and other circumstances present, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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

Nisha