

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3795 of 2021

- Deepak Bhagat S/o Puran Bhagat, Aged About 19 Years, Caste - Uraon, Resident of Naktimunda (Bankheta), Police Chowki, Dokda, Police Station Kansabel, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Kansabel, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjeev Kumar Sahu, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2021

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 29-01-2021 in connection with Crime No.22/2021 registered at P.S. - Kansabel, District Jashpur, Chhattisgarh for the offence under Section 363, 366, 376, 376(2)(n), 376(3), 313 of the IPC and Section 5, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 29-01-2021. Charge sheet has been filed. It is submitted that the applicant and the prosecutrix both had relationship for some time. Subsequent to which, because of some dispute the false FIR has been lodged. The parents of the applicant have agreed and promised that they will have the prosecutrix as their daughter-in-law after marrying her to the applicant, regarding which a letter of promise was executed by father of the applicant before the village elders and he has also filed an affidavit in support of this statement. Therefore, for the sake of future of the applicant and the prosecutrix this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix had been 14 years and 7 months when the incident occurred and there is clear allegation made by the prosecutrix against this applicant in her statement under Section 161 and 164 of the Cr.P.C. Therefore, this application may be rejected.
4. Notice was issued to the complainant side for a fixed date of 19-07-2021, but on that date there was no appearance and no representation.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that, this applicant had continuous physical relation with the minor prosecutrix on pretext that he will marry her in sometime in future. As a result of this physical relation the prosecutrix became pregnant, then the applicant forcefully got her pregnancy aborted by administering her some medicine and lastly, he has refused to have the prosecutrix as his wife. Hence, the FIR was lodged.
7. Considered on the submissions. Taking into consideration the intention of the applicant and father of the applicant that he wants to marry and settle the prosecutrix with the applicant, 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