

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3803 of 2021

- Jagjeevan Sidar S/o Heeralal, Aged About 25 Years R/o Kotba, Police Station - Kotba, District - Jashpur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station - Tumla, District - Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. G.L. Uike, Advocate.
For State/respondent	: Mr. Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/07/2021

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.23/2021 registered at Police-Station-Tumla, District-Jashpur(C.G.) for the offence punishable under Sections 376(2)(n) of IPC and Section 5 & 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. The prosecutrix was not minor on the date of incident. Further, the FIR has delayed by

almost 3 years, hence, the case against the applicant is false, therefore, 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 the prosecutrix was minor on the date of incident, therefore, her consent or willingness is immaterial, hence, the application be rejected.
4. Notice was issued to the complainant which has been returned served, but there is no appearance and no representation.
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 on 18.5.2018 this applicant approached the minor prosecutrix of age below 18 years and then by promising to marry her he had physical relation with her twice on the same date. Subsequently, the prosecutrix came to know that the applicant is going to marry some other girl, therefore, FIR was lodged on 7.4.2021.
7. Considered on the submissions. The delay in lodging the FIR is required to be explained properly in this case and also after considering the other circumstances present, I feel inclined to allow the 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