

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3898 of 2021

- Virendra Das Soni, S/o Shri Ram Das Soni Aged About 30 Years R/o Santi Nagar Ward, Gurudwara Gali, Bodhghat, Jagdapur District - Bastar Jagdalpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station - Bastar, District - Bastar - Jagdalpur, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Ishan Verma, Advocate.
For Non-applicant/State	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 21.02.2021, in connection with Crime No.19/2021, registered at Police Station- Bastar, District- Bastar- Jagdalpur, C.G. for offence punishable under Sections 376, 417 and 506 of I.P.C., 1860 and Section 06 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 21.02.2021. The F.I.R. has been lodged on 21.02.2021, on that date the

prosecutrix was major. Her allegation regarding relationship with the applicant since 2016 is not correct. But contents of F.I.R. and statement before police under Section 161 of Cr.P.C. and under Section 164 of Cr.P.C. show that there had been an affair between the applicant and the prosecutrix and because of which the physical relation has continued about more than 03-04 years, which shows that the relationship was consensual. The allegation of the prosecutrix is this that the applicant has refused to marry her, whereas the fact is this that because of the caste barrier and other difficulties, the applicant has been unable to marry the prosecutrix and there is no case present against the applicant. Therefore, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that in the year 2016, the prosecutrix was clearly a minor of age about 16 years. Therefore, her willingness or consent is immaterial. There is clear evidence present against this applicant, therefore, it is prayed that this application may be rejected.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Jagdalpur and she has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, in the year 2016, this applicant allured the minor prosecutrix with false promise to marry her and then established physical relation with her. The prosecutrix whenever attempted to refuse for such relation, the applicant used to threaten her and thrash her. This relationship has continued for about 4 years. Subsequently, when the applicant has refused to marry, this F.I.R. has been lodged. Hence, this

case.

7. Considered on the submissions. Looking to the love relationship present between the applicant and the prosecutrix also that at present, the prosecutrix is major, 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

Monika