

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3916 of 2021**

- Uday Singh, S/o Shri Amar Singh, Aged About 20 Years, Caste-Gond, R/o Village Naugai, P.S. Kotadol, Tehsil Bharatpur, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Kotadol, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate.
For State/respondent	: Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/09/2021**

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.48/2020 registered at Police-Station-Kotadol, District-Koriya, Chhattisgarh for the offence punishable under Sections 376(2)(n) of IPC and Section 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 17.07.2021. Charge-sheet has been filed. The FIR lodged in this case is delayed by two years. The relation of the applicant with prosecutrix has continued for about two years during which time the prosecutrix

never complained or raised any alarm. The prosecutrix has given birth to a child and then the applicant had denied the paternity of that child, therefore, the false FIR has been lodged, 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 the prosecutrix was of age about 14 years when the first incident occurred and there is clear statement of the prosecutrix that she was unwilling all the time when the applicant had physical relation with her, therefore, there is no case present for grant of bail to the applicant, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of TLISA Janakpur, District-Koriya on 16.09.2021. She had stated that she 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 in the month of August, 2018 the applicant allured the minor prosecutrix and had physical relation with her despite her refusal. Subsequent to that the exploitation of the minor prosecutrix by the applicant continued until she became pregnant. The applicant then made promise to the prosecutrix that he will marry her. The prosecutrix has given birth to a child on 5.7.2020 and in the later on development, the applicant denied the paternity of the child, because of which the FIR has been lodged.

7. Considered on the submissions. Looking to the facts and circumstances that are present in this case, 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