

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4122 of 2021

- Prabhat Kumar S/o Rai Singh Gond, Aged About 18 Years, R/o Nawapara Kala (Tikrapara), Police Station Premnagar, District – Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Outpost Umeshwarpur, Police Station – Premnagar, District – Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2021

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 27-02-2021 in connection with Crime No.32/2021 registered at Police Station – Outpost Umeshwarpur, P.S. Premnagar, District – Surajpur, Chhattisgarh for the offence under Section 376(2)(n), 376(3), 366 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail 27-02-2021. The statements of the prosecutrix under Section 161 and 164 of the Cr.P.C. show that there had been consensual relationship of the applicant with the prosecutrix. The prosecutrix was not minor on the date of incident. Therefore, there is no case present against the applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix had been below 16 years, therefore, her consent and willingness is immaterial. Hence, the application be rejected.

4. The prosecutrix had virtually appeared before this Court on 04-08-2021 and made statement that she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, parents of the applicant and the prosecutrix both were negotiating for their marriage. Subsequent to which, liking developed between the applicant and the prosecutrix and they started having physical relation which continued for some time and the prosecutrix became pregnant. Subsequent to which, the applicant has refused to marry her. Hence, this case.
7. Considered on the submissions. Looking to the facts of the case and also that the prosecutrix has no objection in grant of bail to 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