

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4481 of 2021

- Amit Kashi S/o Ramesh Kashi, Aged About 24 Years, R/o - Jamuatand, P.S. - Balrampur, District – Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. - Balrampur, District– Balrampur-Ramanujganj Chhattisgarh

----Non-applicant

For Applicant – Mr. Pushkar Sinha, Advocate.

For Non-applicant/State – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-08-2021

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 23-05-2021 in connection with Crime No.94/2021 registered at P.S. - Balrampur, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 376(2)(n) of the IPC and Section 5(1), 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 23-05-2021. The FIR lodged against the applicant is totally false. The prosecutrix was not minor and her written complaint and her statement both reflects that there had been a consensual relationship of the applicant with the prosecutrix, which continued for some time. The FIR has been lodged only for the reason that the applicant has refused to marry the prosecutrix. Therefore, there is no case present against this 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 prosecutrix was minor when the incident of physical relation started in the year 2017, therefore, her consent and willingness in the

relationship is immaterial. Further, she has alleged rape against the applicant in her statement under Section 161 of the Cr.P.C. Hence, the application may be rejected.

4. The prosecutrix virtually appeared before this Court on 03-08-2021 on notice and objected to grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. The prosecutrix had lodged the FIR alleging that on 02-05-2017 the applicant on pretext of marrying her by force established physical relation with her. This relationship and physical exploitation continued until 05-01-2021. Subsequent to which, the applicant has refused to marry the prosecutrix. Hence, this case.

7. Considered on the submissions. After taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C., I am of this view that the applicant should be granted regular bail.

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