

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4801 of 2021**

Rajendra Dugga S/o Late Santu Ram Gugga Aged About 22 Years R/o Village Bhaitsgaon Latapara P. S. Raoghat District Kanker Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Of Police Station Farasgaon District Narayanpur Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.08.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.5 of 2020, registered at Police Station – Farasgaon, District – Narayanpur, Chhattisgarh for the offence punishable under Section 363, 376 and 323 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 15.9.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial in which, she has admitted about her marriage with the applicant and similar is the statement of the mother of the prosecutrix in the trial. The whole story of the prosecution also shows

that it was a case of an affair between the prosecutrix and the applicant, which was totally consensual. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor on the date of incident, therefore, her consent and willingness is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix has appeared on notice on 28.7.2021. She made a statement that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant allured the minor prosecutrix, took her to Tamil Nadu where he had physical relation on numerous occasions because of which, the prosecutrix became pregnant. Subsequent to that, the applicant has deserted her.

7. Considered the submissions and the facts present in this case. After looking to the statement of no objection made by the prosecutrix herself, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge