

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4707 of 2021**

Prahlad Kunajm @ Raj S/o Subhash @ Subas Kunjam Aged About 20 Years
Caste Mahra, R/o Village Alnar, Kotwarpara, Police Station Parpa, District
Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, P. S. Anusuchit Jati
Janjati Kalyan (SC/ST) Parpa, District Bastar Chhattisgarh.

---- Respondent

For the Applicant : Shri Navin Shukla, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.08.2021**

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.120 of 2020, registered at Police Station – Anusuchit Jati Janjati Kalyan (SC/ST) Parpa, District – Bastar, Chhattisgarh for the offence punishable under Sections 366(A) and 376 of the Indian Penal Code, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 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 20.12.2020 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. reflects that

she was willing and consenting party. In the conciliation proceeding, there are details that the applicant had gone out for his livelihood and the prosecutrix became pregnant, subsequent to which, when she asked the applicant to marry her, he has denied the paternity of the child in pregnancy of the prosecutrix and that is the reason, the false FIR has been lodged. 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 has made clear allegation against the applicant and further, she 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 had appeared before this Court on notice on 28.7.2021 and made a statement of 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 on pretext of marrying the minor prosecutrix had physical relation with the prosecutrix on number of occasions. As a result of which, she became pregnant. When the prosecutrix asked the applicant to marry her, he refused, therefore, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the nature of allegations present against this applicant and

further, the trial of the case is likely to take some time for its final disposal, 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