

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4787 of 2021**

- Sumit Dan, S/o Prem Dan, Aged About 22 Years, R/o Shanti Nagar Ward, Kushwaha Road, Jagdalpur, District- Bastar, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Bodhghat, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Navin Shukla, Advocate.

For State/respondent : Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/08/2021**

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.21/2021 registered at Police-Station-Bodhghat, District-Bastar(C.G.) for the offence punishable under Sections 376 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 25.03.2021. The statement of prosecutrix under Section 164 CrPC mentions that she and the applicant both had on affair and then it was the prosecutrix, who went to visit the applicant. Subsequent to which, both of them had physical relation consensually, which has resulted in

her pregnancy. In the case, the date of incident is mentioned is 25.9.2019 whereas the FIR was lodged on 25.3.2021, hence, under these circumstances, 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 on 25.9.2019, the prosecutrix had been of age about 15 years and at present she is of age about 17 years, therefore, her consent and willingness is immaterial, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA, Jagdalpur on 29.07.2021. She had stated that she has no 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 this applicant allured the minor prosecutrix and then by enticing her, he established physical relation with her. This continued for some time, which has resulted in her pregnancy. After the pregnancy of prosecutrix was discovered, the FIR has been lodged.
7. Considered on the submissions and the facts and circumstances present in the case and also looking to the statement of no objection from the complainant side, 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