

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4999 of 2021

- Matru Tigga, S/o Muneshwar Tigga, Aged About 19 Years, Occu.- Student B.A. 2nd Year, R/o Village Tihpatra, P.S. and Tehsil Darima, District Surguja (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, P.S. Darima District Surguja (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Nishikant Sinha, Advocate.
For State/respondent	: Mr. Samir Oraon, Govt. Adv. for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2021

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.85/2021 registered at Police-Station-Darima, District-Surguja, Chhattisgarh for the offence punishable under Sections 376(2)(n) of IPC and Sections 5(L) & 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

12.06.2021. The prosecutrix has been examined in the trial and she has clearly stated that she is not minor and her relationship with applicant was consensual. As her relationship was not agreeable to her parents, the FIR was lodged, hence, there is no case against this applicant, therefore, 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 the age of prosecutrix had been 15 years according to the proof of age present in the case diary, hence, the application be rejected.
4. The notice issued to the complainant has returned served for dated 4.8.2021 but there was not appearance and no representation from the complainant side on the date.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged the applicant after making promise to marry the minor prosecutrix had repeatedly exploited her sexually because of which she became pregnant and when her pregnancy was disclosed the FIR has lodged.
7. Considered on the submissions. Perused the certified copy of deposition of prosecutrix filed along with the application, which shows that she is a partially hostile witness, hence, under these circumstances, I feel inclined to allow the 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