

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4892 of 2021**

- Pradip Singh S/o Trikan Singh Aged About 35 Years R/o Village Panjari Plant, Raigarh, P. S. Chakradhar Nagar, Raigarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Chakradhar Nagar, Raigarh

---- Respondent

For Applicant	:	Shri Roop Naik, Advocate
For State	:	Shri Ashutosh Mishra, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/09/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.248/2019 registered at Police Station – Chakradhar Nagar, Raigarh, District – Raigarh (C.G.) for alleged commission of offences under Section 363, 366, 376 of IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. This is repeat bail application. Earlier application was dismissed as withdrawn. First bail application was rejected by this Court taking into consideration the material contained in the charge sheet. The bail application has now been repeated after examination of the prosecutrix, the custodial of birth certificate in the Corporation and the father of the prosecutrix.
3. Learned counsel for the applicant submits that the allegations leveled in the charge sheet have turned out to be incorrect because the prosecutrix has clearly stated that she had gone along with the applicant and also having married him and begotten the child. She has denied that she was abducted or that forcible intercourse was committed so as to commit rape. Further submission is that the certificate of birth produced before the Court by the clerk of the Corporation bears name of the father as Chhotu Yadav and the clerk has stated that the entries are not made by him and he was not posted at the time when entries

were made. The father (PW3) is not named as Chhotu Yadav. It is further stated that he has not given any information that the prosecutrix is less than 18 years of age and he has not recorded such information with the police in the diary statement.

4. On the other hand, learned State counsel submits that according to the prosecution case and the documents including birth certificate, the age of the prosecutrix is less than 18 years, therefore, consent would be immaterial. Next submission is that the evidence that the age of the prosecutrix are matters of investigation by the Trial Court.

5. Considering the submission of learned counsel for the parties, particularly that now, the statement of prosecutrix, her father and the clerk of the Corporation have been recorded and further taking into consideration the submission that the applicant and the State counsel particularly the evidence regarding the age identity of the father and what has been stated in her statement, at this stage, I am inclined to grant bail to the applicant.

6. Accordingly, the application is 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/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge