

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5583 of 2021

- Karan Kumar Ratre S/o Laindas Ratre, Aged About 27 Years, R/o Village Murlidih, Police Station Mulmula, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: The District Magistrate, District Janjgir-Champa Chhattisgarh, (Police Station Mulmula , District Janjgir-Champa Chhattisgarh)), District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Anushree Rajput, Advocate.

For Non-applicant/State – Mr. Ajay Kumarani, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. 04-12-2020 in connection with Crime No.347/2020 registered at Police Station - Mulmula, District Janjgir-Champa, Chhattisgarh for the offence under Section 376 of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that this is third bail application filed by the applicant before this Court. His first bail application MCRC No.9501 of 2020 was dismissed as withdrawn on 18-03-2021 and his second bail application MCRC No.2605 of 2021 was again dismissed as withdrawn on 07-04-2021. Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix has been examined in the trial, although she has not a hostile witness, but she has made certain admissions in her cross-examination which shows that she had love affair with the applicant although she knew that the applicant is already married and having children. There is also admission made by her that she and the applicant continued

their physical relation for some time, which is suggestive that she had consented for physical relation by her conduct. Further, the trial against the applicant is still pending and not concluded. Hence, it is prayed that the applicant has also become entitled on the ground of delay in trial. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor and secondly, she is not a hostile witness, she has fully supported the prosecution case. Therefore, the application may be rejected.

4. The prosecutrix has virtually appeared before this Court on 02-09-2021 on notice and she objected to grant of bail to this applicant.

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

6. According to the prosecution case, this applicant allured the minor prosecutrix and exploited her sexually by putting her under threat. Hence, this case.

7. Considered on the submissions. Taking into consideration the submission made by the counsel for the applicant on the basis of the deposition of the prosecutrix before the trial Court and also for the reason that the trial is getting delayed, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge