

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5432 of 2021**

Mukesh S/o Rajesh Verma Aged About 21 Years Resident Of Pendri (Sha),
Police Station Sargaon, District Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Sargaon, District Mungeli Chhattisgarh.

---- Respondent

For the Applicant : Shri Bharat Rajput, Advocate.
For the Respondent/State : Shri Anil Tripathi, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.09.2021**

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.76 of 2021, registered at Police Station – Sargaon, District – Mungeli, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 & 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 14.5.2021 and has been falsely implicated in this case. The prosecutrix was minor on the date of incident. She had willingly gone, resided and had physical relation with the applicant, which was based on consent. The prosecutrix has stated in her statement under Section 161 of

the Cr.P.C. that she lived with the applicant, resided with him for sometime and came back to her own house. She waited for sometime for the applicant and when he did not come, she has lodged the FIR. 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 was minor, therefore, her consent or willingness is immaterial. Hence, he is not entitled for grant of regular bail.

4. Complainant – Mohan Singh has appeared before this Court on 26.8.2021 and stated that he has 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, this applicant had on pretext of marrying the prosecutrix exploited her sexually on more than one occasion. He also eloped with the prosecutrix and they stayed together in Raipur for sometime. The prosecutrix came back to her house in the month of March, 2021, however, the FIR has been lodged on 14.5.2021.

7. Considered the submissions and the facts present in this case. Looking to the facts and circumstances that are present and the statement given by the prosecutrix herself under Section 161 of the Cr.P.C., I feel inclined to grant regular bail to the applicant in this case.

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