

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5506 of 2021

- Hemkumar @ Nandau Delki S/o Videshi Ram Delki, Aged About 19 Years, R/o Village Tolge, Tehsil and Police Station Lailunga, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lailunga, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Ashutosh Mishra, Advocate.

For Non-applicant/State – Shri Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-11-2020 in connection with Crime No.270/2020 registered at P.S. - Lailunga, District Raigarh, Chhattisgarh for the offence under Section 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 20-11-2020. The statement of the prosecutrix herself shows that her relationship with the applicant has continued for about one year and the applicant also had intended to marry her, but because of some dispute the false FIR has been lodged. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. is clearly against this applicant alleging commission of offence of rape. Therefore, he is not entitled for grant of bail.

4. Notice was issued to the complainant which was returned served, but there is no appearance and no representation.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the case of prosecution, about one year prior to the date of lodging FIR, this applicant on pretext of marrying the prosecutrix had forceful submission of the prosecutrix on numerous occasions for physical relation, which has resulted in her pregnancy when the prosecutrix was below the age of 18 years. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances present in this case, 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