

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5551 of 2021

- Kuldeep Banjara S/o Mahangu Banjara, Aged About 24 Years, R/o Village Kedarpur (Nayakpara), Police Station and Tehsil Premnagar, District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police of Police Station - Premnagar, District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri P.K. Tulsyan, Advocate on behalf of Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.
Shri H.A.P.S. Bhatia, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-09-2021

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 11-06-2021 in connection with Crime No.46/2021 registered at P.S. - Premnagar, District Surajpur, Chhattisgarh for the offence under Section 376 (2)(a), 315 of the IPC and Section 3, 4, 6 of Protection of Children from Sexual Offences Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 11-06-2021. The statement of the prosecutrix under Section 164 of the Cr.P.C. reflects about the affair and relationship of the applicant with the prosecutrix. Therefore, there is no case present against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of incident the prosecutrix was minor, therefore, her sexual exploitation by the applicant amounts to commission of offence of rape.

Hence, the application may be rejected.

4. Learned counsel appearing for the complainant submits that the complainant has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant on pretext of marrying the prosecutrix when she was minor had continuously physical relation with her on numerous occasions, because of which she became pregnant. The applicant then administered some medicine for abortion as a result of which the abortion took place. Subsequent to which, the relationship was continued, but the applicant then finally refused to marry the prosecutrix, therefore, the FIR was lodged.

7. Considered on the submissions. Taking into consideration all the facts and circumstances that are present and also that the complainant side has no objection at present, therefore, 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