

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6256 of 2021

- Lochan Sidar S/o Janpad Sidar, Aged About 25 Years, Caste - Gond, R/o Rokbahar, Police Station - Bagbahar, District - Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Farsabahal, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Manoj Chauhan, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-09-2021

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 16-07-2021 in connection with Crime No.33/2021 registered at P.S. - Farsabahal, District - Jashpur, Chhattisgarh for the offence under Section 363, 366, 376, 376(2)(n) of the IPC and Section 5, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 16-07-2021. The prosecutrix has been examined in the trial and she has stated before the Court that she had love affair with the applicant and the physical relation was consensual. The FIR has been lodged only for the reason that the applicant has not returned the amount borrowed from the prosecutrix. Therefore, there is no case present. Hence, it is prayed that the application be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix has clearly stated against the applicant in her statement under Section 161 and 164 of the Cr.P.C. and that she was minor on

the date of incident. Therefore, her consent is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of TLISA Kunkuri. She 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 abducted the minor prosecutrix and then on pretext of marrying her he exploited her sexually and lastly he has refused to marry her.

7. Considered on the submissions. The incident is shown to be of year 2016 whereas the FIR has been lodged on 15-07-2021 after a long delay of about five years. Further, looking to the statement of no objection made by the prosecutrix herself, 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