

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5883 of 2021**

Baratsai Korwa S/o Ghuran Ram Korwa Aged About 21 Years Caste- Korwa,
R/o Village- Okra, P.S.- Rajpur, Distt.- Balramur-Ramanujganj
(Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through - The Police Station - Balrampur, Distt. -
Balrampur-Ramanujganj (Chhattisgarh).

---- Respondent

For the Applicant : Shri A.N. Pandey, Advocate.
For the Respondent/State : Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.09.2021**

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.47 of 2021, registered at Police Station – Balrampur, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Section 376(2)(n) 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 5.3.2021 and has been falsely implicated in this case. In fact, the marriage of the applicant with the prosecutrix was negotiated and it was agreed that the marriage will be performed after the prosecutrix attains majority, as she was about to attain majority in a few months. The

relationship of the applicant with the prosecutrix was consensual to which she never objected, however, the prosecutrix became pregnant and thereafter, the false FIR has been lodged. At present, the prosecutrix is major. 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 on the date of incident, the prosecutrix was minor when she submitted for physical relation to the applicant, therefore, any consent given by her is immaterial. Hence, he is not entitled for grant of regular bail.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Balrampur. She made a statement that she 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, the marriage was initiated between the applicant and the prosecutrix. Subsequent to which, on pretext of marrying the prosecutrix, this applicant exploited her sexually on number of occasions as a result of which, she became pregnant. Subsequent to which, the applicant has refused to marry the prosecutrix. Hence, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Taking into consideration the facts present in this case, I am of this view that it

would be proper to release the applicant on regular bail during the pendency of the trial, hence, I feel inclined to grant 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