

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6045 of 2021

- Deepak Ekka S/o Shri Domnik Ekka Aged About 26 Years R/o Buddudeeh, Thana And Tehsil- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	: Mr. Rakesh Kumar Jha, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.
For Complainant	: Mr. Vikash Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/10/2021

Heard.

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C., 1973 for grant of regular bail as he is arrested in connection with crime no. 113/2021, registered at Police Station Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376(2)(n) of the IPC and Sections 4 & 6 of the POCSO Act.
2. It is submitted by the learned Counsel for the Applicant that the Applicant has been falsely implicated in this case. He is in jail since 01.07.2021. The relationship of the Applicant with the prosecutrix was consensual which is reflected in the statement of the prosecutrix recorded under Section 164 of Cr.P.C. According

to the prosecutrix, she continued submitting to the Applicant until she became pregnant, after the first incident. The minority of the prosecutrix is being disputed by this Applicant. One document of *Anganwadi* shows the date of birth of the prosecutrix different from the date which is mentioned in the school register, Therefore, it is prayed that the Applicant may be granted benefit of bail.

3. On the other hand, learned Counsel for the State opposes the bail application and submission made in this respect. It is submitted that the age of the prosecutrix on the date of incident was only 14 years 2 months. Further, in the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., she stated that the Applicant used to have forceful physical relationship with her. Hence, it is prayed that the Applicant may not be granted benefit of bail.
4. Mr. Vikash Pandey, learned Counsel appearing for the Complainant submits that the Complainant has no objection in grant of bail to the Applicant.
5. I have heard the learned Counsel for the parties and perused the case diary.
6. As per prosecution case, it is alleged that this Applicant committed forcible sexual intercourse with the minor prosecutrix with promise to marry her and continuously exploited her sexually until she became pregnant. The prosecutrix gave birth to a child subsequently the applicant refused to have her as his wife, therefore, the FIR has been lodged.
7. Considering on the submissions. Looking to the statement of the prosecutrix and also that the complainant's side have no objection in grant of bail to the Applicant, for these reasons, I feel

inclined to allow the application of this Applicant.

8. Accordingly, the bail application under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety in the like sum to the satisfaction of the concerned Trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge