

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6426 of 2021**

Raju Pandey, S/o Shri Ramji Pandey, Aged About 25 Years Caste - Bramhan, R/o. - Village - Manpur, Police Station And Tehsil - Surajpur, District - Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through, Station House Officer Surajpur, District - Surajpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Surfaraj Khan, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.09.2021**

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.104 of 2021, registered at Police Station – Surajpur, District Surajpur, Chhattisgarh for the offence punishable under Sections 366(A), 376(2)(n), 376(2)(i) and 323, 34 of the Indian Penal Code and Sections 4 & 10 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.6.2021 and has been falsely implicated in this case. The story of the prosecution itself shows that there had been an old affair between the applicant and the prosecutrix. There is no evidence regarding previous

sexual exploitation of the prosecutrix and the prosecutrix has become pregnant after she attained majority, therefore, the relationship of the applicant with the prosecutrix is totally consensual. 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 the prosecutrix was minor when her affair with the applicant started, which was about 8 years prior to lodging of FIR, therefore, the prosecution has evidence that the prosecutrix was sexually exploited by the applicant. Hence, the applicant 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, Surajpur. She made a statement that she has no 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, there was an eight-year old affair with the applicant and at that time, the prosecutrix was minor. It is alleged that this applicant has continuously exploited her sexually because of which, she became pregnant and thereafter, the FIR has been lodged. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the statement of no objection made by the prosecutrix herself,

I feel inclined to grant regular bail to the applicant.

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