

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6314 of 2021**

- Kamal Daultani, S/o Shri Mahesh Daultani, Aged About 21 Years, Resident Of Krishna Nagar, Sarkanda, Police Station Sarkanda, Tehsil and District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ajak, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. U.K.S. Chandel, Advocate.
For State/respondent	: Mrs.Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/09/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.02/2021 registered at Police-Station-AJAK, District-Bilaspur, Chhattisgarh for the offence punishable under Sections 376/34 of IPC, under Sections 06 of POCSO Act, 2012 and Section 3, 2, 5 SC/ST Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. As per the prosecution case, the first incident occurred in the year 2013 when this applicant himself was juvenile of age only 14 years, whereas the prosecutrix was of age about 16 years, therefore, the application has

been filed before the trial Court praying for his trial as a juvenile offender. The FIR has been lodged after a long delay on 5.3.2021. There are facts present that the applicant and the prosecutrix had some money transaction, which is the real cause of dispute. The prosecutrix today is about 24 years of age, therefore, there is no case made out, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that on the date of first incident the prosecutrix was minor of age below 18 years and, further, there is clear statement present against this applicant under Section 161 & 164 CrPC, therefore, the application be rejected.
4. The prosecutrix had physically appeared before this Court on 23.9.2021. She has stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant developed a love affair with the minor prosecutrix and for the first time he had physical relation with her in the year 2013. Their relation continued in the year 2017. When the prosecutrix became pregnant the applicant then forced the prosecutrix to abort the pregnancy, because of which she had to abort her pregnancy. Later on this affair continued, but lastly the applicant has refused to marry the prosecutrix, hence, the FIR has been lodged on 5.2.2021.

7. Considered on the submissions and also the facts that are present in the case. As there is a clear statement of the prosecutrix herself about her long relationship with this applicant and lodging of FIR is the result of refusal of applicant for marrying her, therefore, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed 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 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

Nisha