

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6693 of 2021

- Suresh Prasad Rathor S/o Late Bhaiyalal, Aged About 36 Years, R/o Village Harri, Police Station and Tahsil Anoopur, District Anoopur M. P.

---- Applicant

Versus

- State Of Chhattigarh, Through Station House Officer, Police Station Gaurela, District Gaurela-Pendra -Marwahi Chhattisgarh

----Non-applicant

For Applicant – Shri Vaibhav A. Goverdhan, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-10-2021

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 29-07-2021 in connection with Crime No.288/2021 registered at P.S. - Gaurela, District Gaurela-Pendra -Marwahi, Chhattisgarh for the offence under Section 363, 376 of the IPC and Section 4 of the 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 29-07-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is nothing left in the case against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor and she was sexually exploited by this applicant. Therefore, no case is made out for grant of bail.

4. The prosecutrix is physically present before this Court on notice. 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, this applicant who is already married and having children, enticed the minor prosecutrix, performed a marriage with her in a temple and then exploited her sexually. The prosecutrix was minor, therefore, she was incapable of giving a valid consent. Hence, this case.

7. Considered on the submissions. Perused certified copy of the depositions filed along with the application, according to which, the prosecutrix, her mother and her father all have turned hostile before the trial Court, hence, looking to this development in the case, 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