

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6862 of 2021**

- Dharam Singh Paikra alias Golu, S/o Ram Singh Paikra, Aged about 21 years, R/o Village Amaru, Sarkaripara, P.S.- Pendra, District- Gourela Pendra Marwahi (C.G.).

--- Applicant

Versus

- State of Chhattisgarh, through- P.S. Pendra, District- Gourela Pendra Marwahi (C.G.).

--- Respondent

For Applicant	:	Mr. F.S. Khare, Advocate.
For State/Respondent	:	Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****06/10/2021**

1. Heard.
2. 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. 170/2021 registered at Police Station- Pendra, District- Gourela Pendra Marwahi (C.G.) for offence punishable under Sections 363, 366 & 376(2- द) of the IPC and Sections 5(द)/ 6 of the Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by learned counsel for the applicant, that the applicant has falsly implicated in this case. The prosecutrix has willingly gone and resided with the applicant although she has stated that the

physical relation was forceful but she has continued to submit to the applicant and also continued to visit him. Later on the prosecutrix willingly left and resided with the applicant for some time, which shows the consent of the prosecutrix by her conduct. He is in jail since 16.07.2021 and the trial is likely to take some more time, therefore, it is prayed that the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that the submission of the prosecutrix under Sections 161 and 164 of the Cr.P.C. is very clear that she was subjected to forceful physical relation by the applicant which amounts to commission of offence of rape and further the prosecutrix herself was a minor, therefore, no case is made out for grant of bail.
5. The complainant Anita wife of John Singh is virtually present before this Court today through the Help Desk of the DLSA, Bilaspur and she has objected to grant of bail to the applicant.
6. I have heard counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that the applicant abducted the minor prosecutrix, kept her in his custody and travelled in different places and during this time he had also made forceful physical relation with the minor prosecutrix, knowing well that she was not capable to give consent for such relation being minor.
8. Considered on the submissions. Looking to the facts and circumstances present in the case, I am of this view that this applicant

should be granted bail during the pendency of trial against him, I feel inclined to allow the application of this applicant.

9. Accordingly, the bail application filed under Section 439 of the 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