

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7190 of 2021

1. Deepak Shrivastava S/o Raju Shrivastava Aged About 23 Years R/o Near Ramleela Maidan, Kushalpur, Police Station - Purani Basti, District Raipur (Chhattisgarh)

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station - Purani Basti, Raipur, District Raipur (Chhattisgarh)

---- Respondent

For Applicant

Mr. C.K. Sahu, Advocate

For Respondent /State

Ms Akshara Amit, Panel Lawyer

Order on BoardByHon'ble Shri Justice Goutam Bhaduri13/12/2021

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.154/2021, registered at Police Station Purani Basti, Raipur (CG), for the offence under Sections 363, 366, 376 of the Indian Penal Code; Sections 4 & 6 of the POCSO Act; and Sections 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief, is that on 26-6-2021 the mother of the prosecutrix lodged a missing report of the prosecutrix. During investigation, the prosecutrix was found in the company of

the applicant and on enquiry it was revealed that on the pretext of marriage the applicant committed sexual intercourse with her.

4. Learned counsel for the applicant would submit that the applicant has been falsely implicated. In fact the prosecutrix is a major girl, though she has been shown as 17 years 10 months. According to him, she was in voluntary company of the applicant and the medical report also do not support the allegation of rape. Thus, the applicant may be enlarged on bail.
5. Learned counsel for the State, per contra, would oppose the bail application.
6. Considering the entire facts situation of the case, particularly considering the fact that there is no definite medical opinion regarding commission of rape; and further considering the fact that, as per prosecution, the prosecutrix is aged about 17 years 10 months and 15 days, as also for the fact that the applicant is in jail since 28-6-2021 and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Gowri