

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.7093 of 2021**

- Munnu Ram S/o Jugna Ram Aged About 21 Years Caste Bargah R/o Village Rauni, Chouki Pandrapath Police Station Bagicha, District Jashpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Bagicha, District Jashpur Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjay Agrawal, Advocate
 For respondent/State : Shri Ankur Kashyap, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25.10.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 08.4.2021 in connection with Crime No.94/2019 (Special Case No.29/2021) registered at Police Station Bagicha, Distt. Jashpur (C.G.), for the offence punishable under Sections 363, 366(A), 376(2)(n) of the Indian Penal Code, Section 3(1)(a) (i) & 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Brief facts of the case is that on the pretext of marriage, the applicant abducted minor prosecutrix on 16.6.2019, taken her to the house of his relative and committed rape with her from 16.6.2019 to 06.4.2021. Due to physical relationship between

them, the victim/prosecutrix got pregnant and delivered a male child also. Report was lodged by father of the victim/prosecutrix under Section 363 IPC. After recovery of the victim and after investigation, police filed chargesheet against the applicant for aforementioned sections, which is pending before Additional Sessions Judge/ (Additional Charge,FTC), Jashpur.

3. Learned counsel for the applicant submits that the applicant is 21 year village boy, he has been falsely implicated in the crime in question. He has not committed the alleged offence. He further submits that the victim/prosecutrix and her father have been examined before the trial Court and in their deposition, they have not supported the case of the prosecution at all. Hence, nothing remains against the applicant in this case. The applicant is in jail since 08.4.2021 and the conclusion of the trial will take long time , therefore, he may be released on bail.

4. Per contra, learned counsel for the State opposes the bail application submitting that it is not only a case of rape but the act of rape has been committed on a minor prosecutrix who belongs to Scheduled Tribe community. He also submits that looking to the heinousness of the crime, bail application filed by the applicant is liable to be rejected.

5. I have heard learned counsel for both parties and perused the material available .

6. Considered the submission and perused the case diary. Considering the facts and circumstances of the case, copy of the

statement recorded before the trial Court filed by the applicant shows that the victim/prosecutrix and her father have not supported the case of the prosecution. Today, the victim appeared before this Court through virtual mode from District Legal Services Authority, Baloda, in which the victim and her father submit that they have no objection, if the bail is granted to the applicant. The applicant is in jail since 08.4.2021 and looking to the totality of the facts and circumstances of the case, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE