

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7142 of 2021**

Rajendra Pawar, S/o Raghunath Pawar, Aged About 31 Years,
R/o Village Parsodi, Police Station Amla, District Baitul (M.P.).

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police
Station Jashpur, District Jashpur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Jitendra Kumar Saxena, Advocate

For Non-applicant/State : Shri Vinod Tekam, Panel Lawyer

Prosecutrix and her father are present through virtual mode from District
Legal Services Authority, Balod.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**18.11.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 14.07.2021 in connection with Crime No.139 of 2021 registered at Police Station Jashpur, District Jashpur (C.G.) for commission of offence punishable under Sections 376(2)(n), 201 of Indian Penal Code and Sections 4, 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that applicant was having relationship with prosecutrix since 01.13.2021 to 31.03.2021. When applicant and prosecutrix were going to Jashpur from Rajnandgaon, they were intercepted by police at Railway Station,

Rajnandgaon on 09.06.2021. Thereafter a report was lodged by father of prosecutrix on 04.07.2021, based upon which, aforementioned crime was registered against the applicant.

3. Shri Jitendra Kumar Saxena, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. He further submits that prosecutrix was examined before trial Court on 16.11.2021 and she has not supported the case of the prosecution in any manner, copy of which is filed along with covering memo. He pointed out that age of prosecutrix was about 18 years on the alleged date of incident as per evidence of prosecutrix herself, hence, no offence as alleged under the Protection of Children from Sexual Offences Act, 2012 would be attracted.
4. Shri Vinod Tekam, learned State Counsel opposing the submissions made by learned counsel for the applicant, would submit that specific allegations have been made against applicant in First Information Report as well as in the statement recorded under Sections 161 and 164 of Cr.P.C. He further submits that police during the course of investigation collected school register and mark-sheet of prosecutrix wherein date of birth of prosecutrix is mentioned as 14.09.2004, as such, she was less than 18 years of age on the date of incident.
5. Father of prosecutrix and prosecutrix are present through virtual mode from District Legal Services Authority, Balod. Father of prosecutrix stated that he is having objection in grant of bail to the

applicant. Prosecutrix has stated that she is having no objection in grant of bail to the applicant.

6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, and further statement made by learned counsel for applicant that in the Court statement during trial, prosecutrix has not made any allegation against the applicant, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge