

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7664 of 2020

Khilendra Kumar Ratre, S/o Latkhor Ram Ratre, Aged About 20 Years,
R/o Village Rampur, Police Station Bakhara, District- Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through, Station House Officer Police Station
Gunderdehi, District- Balod (C.G.)

--- Respondent

For Applicant : Mr. B.P. Singh, Advocate.

For State/ Respondent : Mr. Afroj Khan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21/01/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 373/2020, registered at Police Station- Gunderdehi, District- Balod (C.G.) for the offence punishable under Section 376 of IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 20.08.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The relationship of the applicant and the prosecutrix was consensual.

The FIR was lodged only because the prosecutrix and the applicant both were found engaged in physical relation by a villager, hence, the FIR lodged is false. No case is made out against the applicant, hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 18 years on the date of incident, therefore, her consent is immaterial. No case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the applicant, on pretext of marriage, exploited the minor prosecutrix. On the date of incident i.e. on 19.08.2020, the applicant was caught with the prosecutrix in the house of the prosecutrix by mother of the prosecutrix and other villagers, therefore, the FIR was lodged against the applicant.
6. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the other circumstances present, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun