

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7430 of 2021**

- Chandradev Rajwade @ Nattu S/o Shri Dhaniram Rajwade Aged About 24 Years
R/o Village Puhputra, Thana And Tahsil Lakhanpur, District - Surguja (C.G.)

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Lakhanpur,
District - Surguja (Ambikapur) (C.G.)

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate on behalf of Shri Sunil Sahu, Advocate
For Respondent/State	: Shri Ashish Gupta, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**25.11.2021**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No. 99 of 2021 registered at Police Station Lakhanpur, District- Surguja, Chhattisgarh for the offences punishable under Sections 366 and 376(2)(n) of the IPC and Sections 4, 5 and 6(l) of POCSO (Protection of Children from Sexual Offences) Act, 2012.
2. Case of the prosecution is that on 21.03.2021 applicant for the first time committed sexual intercourse with prosecutrix and thereafter, on many occasions, he established physical relationship. Incident was reported to concerned Police Station, based upon which aforementioned crime is registered against applicant and he was arrested.
3. Shri Anil Gulati, learned counsel for the applicant submits that prosecutrix and applicant were having love affair since long. When applicant's marriage was arranged with some other girl, prosecutrix and her family members went to

his house, where some dispute took place between them. It turned into scuffle and free fight, thereafter, false and fabricated report was lodged against applicant making allegations as aforementioned. Prosecutrix got examined before the trial Court on 06.09.2021, wherein she has not supported case of prosecution. Certified copy of deposition sheet is filed with covering memo. He further submits that applicant is in jail since 04.06.2021. Hence, he may be released on regular bail.

4. Shri Ashish Gupta, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that on the date of alleged incident, prosecutrix was aged about 16 years only. Hence, applicant is not entitled for grant of bail.

5. As per Office report, prosecutrix was served, but there is no representation on her behalf.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations against applicant, facts and circumstances of the case, also submissions of learned counsel for the applicant that prosecutrix has not supported case of prosecution in her Court statement, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant 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

padma