

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7848 of 2020**

- Basantlal S/o Ramfal, Aged About 20 Years, R/o Basantpur, Police Station Basantpur, District Balrampur-Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Basantpur, District Balrampur-Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

**---- Non-applicant**

---

For Applicant – Shri Arun Kumar Shukla, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**13-01-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-06-2020 in connection with Crime No.67/2020 registered at Police Station – Basantpur, District Balrampur-Ramanujanj, Chhattisgarh for the offence under Section 450, 376(2)(N) of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix is not minor. The physical relationship of the applicant and the prosecutrix was consensual, which is reflected from the conduct of the prosecutrix, who never made complaint during the whole year when the relationship was going on. The FIR was lodged because the applicant was going to marry some other girl and this was grievance of the complainant. Hence, no case is made out against the applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and therefore any consent or willingness by her is of no consequence. The case against the applicant is

clearly made out. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. The prosecution case is this, that about one year prior to the date of lodging the FIR the applicant was exploiting the prosecutrix sexually on promise that he will marry her in future and lastly the applicant revealed to the prosecutrix that he is not going to marry her. Therefore, the FIR has been lodged.

6. Considered on the submissions and facts present in this case and I am of this view that the applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**