

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 940 of 2020**

- Pappu Prajapati Son Of Sukhadi Aged About 29 Years R/o Village- Pachawal, P.S.- Sanawal, District- Balrampur-Ramanujganj (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through Police Station- A.J.K. Balrampur, District- Balrampur-Ramanujganj (Chhattisgarh)
2. Preeti Tekam Village- Pachawal, P.S.- Sanawal, District- Balrampur-Ramanujganj (Chhattisgarh)

---- Respondents

For Appellant	:	Shri A.K.Yadav, Advocate
For State	:	Smt. Hamida Siddiqui, Dy.A.G.
For Victim	:	Shri A.L.Singroul, Advocate

Victim is also present in the Court.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/01/2021**

This appeal arises out of order dated 29/10/2020 passed by the learned Special Judge Atrocities, Ramanujganj, District – Balrampur – Ramanujganj (Chhattisgarh) by which, appellant's application for grant of anticipatory bail has been rejected.

2. The appellant is apprehending his arrest in connection with Crime No.29/2020 registered at Police Station – A.J.K. Balrampur, District – Balrampur - Ramanujganj (CG) for alleged commission of offences under Section 366, 506, 376 of IPC and Section 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

3. The allegation against the appellant is that the appellant committed rape on the prosecutrix who is minor in age and also belongs to scheduled tribe.

4. Learned counsel for the appellant would argue that the appellant has been falsely implicated. The appellant and the prosecutrix both are major, they had an affair and they got married and residing together and the report has been lodged because of the father of

the prosecutrix was not happy with the relationship of the appellant and the prosecutrix. Learned counsel further submits that this fact was not appreciated by the learned Trial Court and mechanically rejected the bail application.

5. On the other hand, learned State counsel would submit that in view of the report which has been lodged in the police station and preliminary enquiry made, it has been found that the date of birth of the prosecutrix is 25/09/2000 and the allegation of appellant exploiting the prosecutrix is prior to the date of prosecutrix attaining majority. Therefore, prima facie case is made out.

6. Learned counsel for the victim submits that the victim is agreed to live with the appellant and she has not lodged any report. It is submitted that the victim got married with the applicant and residing with him as his wife.

7. Even according to the documentary evidence collected by the appellant during investigation, the date of birth of the prosecutrix as recorded in the school register is 25/09/2000 which means that the prosecutrix attained majority on 25/09/2018. Further, the contents of the statement also shows that the prosecutrix is residing with the applicant and even they had attempted to get their marriage registered. Therefore, taking into consideration the age of the prosecutrix, the point of time at which the prosecutrix and the appellant are having marital relationship and the prosecutrix states no grievance against the applicant, I am inclined to grant bail to the appellant.

8. Accordingly, the appeal is allowed. It is directed that in the event of arrest, the appellant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

- (i) that the appellant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that the appellant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the appellant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge