

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8023 of 2020

Satish Bela, S/o Govind Bela, Aged About 22 Years, R/o Ambedkar Colony, Mudapar Outpost Manikpur, Police Station- Kotwali, District- Korba (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police of Police Station Kotwali, Korba, District- Korba (C.G.)

--- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/02/2021

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. 736/2020, registered at Police Station- Kotwali, District- Korba (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 30.08.2020 and has been falsely implicated in this case. The FIR is delayed by four months. Further, the

prosecutrix herself has no objection in grant of bail to the applicant, regarding which, her father filed an affidavit before the Sessions Judge making statement of no objection, which was not considered. 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 on the date of incident, the minor prosecutrix was of age below 16 years and there is evidence that the applicant has exploited her sexually, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. The case of the prosecution is this, that in the month of March, 2020, the applicant called the minor prosecutrix to his house and then, had forcible sexual relation with her, on the basis of promise of marrying her. The prosecutrix then, became pregnant, because of which, FIR has been lodged on 29.08.2020 by herself.
6. Considered on the submissions and the facts present in this case. There is mention of no objection statement made by father of the prosecutrix in the rejection order and also the prosecutrix, who appeared before this Court on 04.02.2021, has made statement of no objection in grant of bail to this applicant, therefore, I am of this view that it would be proper to release the applicant on 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