

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8740 of 2020**

Ranjeet Bala, S/o. Budeshwar Bala, aged about 22 years, R/o. Village Kamalpur, Police Station Jaynagar, Tahsil and District Surajpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Chowki-Basdei, Police Station- Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. V.K. Pandey, Advocate
For Respondent/State	: Mr. Chitendra Singh, P.L.

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.301/2020, registered at Police Station –Surajpur, Chowki – Basdei, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor and she had been a consenting party, who came on her own to go with the applicant and resided with him and also had physical

relation consensually. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was only 16 years and 6 months, therefore, because of her minority, she was not competent to give a valid consent for any physical relation. Hence, this applicant is not entitled for grant of bail.
4. Notice was issued to the complainant side but the service report has not been returned, however, the age of the prosecutrix in this case is above 16 years, therefore, there is no obligation of this Court to give opportunity of hearing to the complainant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant and the prosecutrix were acquainted with each other. On 24.07.2020, the prosecutrix left her house, met with the applicant and then she resided with him for about 3 days in different places, during which, the applicant had physical relation with her. The father of the prosecutrix lodged FIR on 26.07.2020.
7. Considering on the submissions and the statement of the prosecutrix given under Section 161 of Cr.P.C. and also the other circumstances present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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

Balram