

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8504 of 2020

- Vaibhav Ambast S/o Pramod Ambast, Aged About 25 Years, R/o Village Tildega Police Station and Tahsil Pathalgaon District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Pathalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Awadh Tripathi, Advocate.

For Non-applicant/State – Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

01-02-2021

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 06-11-2020 in connection with Crime No.125/2020 registered at Police Station – Pathalgaon, District Jashpur, Chhattisgarh for the offence under Section 323, 294, 506, 317, 376/34 of the IPC and Section 3, 4 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix has made vague allegations against the applicant regarding her physical exploitation having started in the year 2014 by this applicant. There had been relationship of the applicant with the prosecutrix totally on consensual basis. The child has born to the prosecutrix on 11-01-2020 when she was of age more than 18 years. The FIR has been lodged on 27-06-2020. Therefore, the case against the applicant is totally concocted and baseless. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has clearly stated about her relationship with the applicant since the year 2014 when she was of age only 14 years. Hence,

the offences registered against the applicant are made out. Therefore, the application may be rejected.

4. Notice was issued to the prosecutrix. The prosecutrix virtually gave appearance on 18-01-2021 and has objected in grant of bail to the applicant.

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

6. The case of prosecution is this, that in the year 2014 the applicant and the minor prosecutrix started meeting with each other and had physical relation. The prosecutrix has alleged that because of this physical relation she became pregnant twice. The first pregnancy was aborted at the instance of the applicant. When she conceived for the second time the applicant and his family members made all attempts to get her pregnancy aborted, but they failed and the prosecutrix has given birth to a child. The applicant and his family members have denied to have the prosecutrix as a member of their family. Subsequent to which, the FIR was lodged on 27-06-2020.

7. Considered on the submissions and facts of the case and after looking to the circumstances that are present, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge