

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7977 of 2021**

- Sulai Ram @ Lepo @ Rahul Prajapati S/o Thukru Ram Aged About 23 Years Caste Kumhar, R/o Village Manora, Kumhar Basti, Chowki, Manora, Police Station Jashpur, District Jashpur Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer Of Police Chowki Manora, Police Station Jashpur District Jashpur Chhattisgarh

---- Respondent

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Shri Raghavendra Verma, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

23.11.2021

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.44 of 2021 registered at Police Station Jashpur, District-Jashpur Chhattisgarh for the offences punishable under Sections 376, 376(2)(n) of the IPC and Sections 4 and 6 of POCSO (Protection of Children from Sexual Offences) Act, 2012 and 3(1)(b)(i), 3(2)(v) SC/ST Act.
2. Case of the prosecution is that applicant took minor prosecutrix to his house on 11.03.2019 and committed intercourse with her. Thereafter, he established physical relationship with her till 25.09.2020 continuously. Written report was lodged on 09.02.2021 making allegation of establishing physical relationship with minor girl, based upon which aforementioned crime was registered and applicant was arrested on 23.08.2021.
3. Shri Sanjeev Kumar Sahu, learned counsel for the applicant would submit that false allegations are levelled against the applicant. He has not committed

any offence as alleged. He also submits that prosecutrix and her mother got examined before trial Court and they have not supported prosecution case. Copy of deposition sheet is filed along with covering memo. Applicant is in jail since 23.08.2021 hence he may be enlarged on regular bail.

4. Shri Raghavendra Verma, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that on the date of alleged offence, prosecutrix was less than 16 years of age. There is allegation of establishing physical relationship continuously since 11.03.2019 till 25.09.2020. Hence, applicant is not entitled for regular bail.

5. Prosecutrix is present through virtual mode through DLSA- Jashpur along with her mother. She submits that she is having no objection in grant of bail to the applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations against applicant, facts and circumstances of the case, submission of learned counsel for the applicant that prosecutrix and her mother have not supported case of prosecution, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local

surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma