

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8307 of 2021

Raju Bharti Alias Ramkumar Bharti S/o Late Rohit Bharti, Aged About 27 Years R/o Village Litiya, Police Station Lalbagh, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Lalbagh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Shri Vikash Pradhan, Advocate on behalf of
Shri S.S. Baghel, Advocate

For Non-applicant : Shri Ashish Gupta, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

26/11/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.166/2020 registered at Police Station- Lalbagh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506 Part-II and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that mother of the prosecutrix lodged written report on 27.4.2020 mentioning therein that when she saw her daughter's abnormal abdomen, she asked about the same with

her on which, prosecutrix intimated that one child in conflict with law (co-accused) under threat has committed sexual intercourse with her since 1.7.2019 till 26.4.2020. When the present applicant also got the knowledge of the physical relationship, he also threatened her and established physical relationship with the prosecutrix on more than one occasion. Based on written report, aforementioned crime was registered against the applicant and other co-accused who is child in conflict with law.

3. Shri Vikash Pradhan, learned counsel appearing for the applicant would submit that the applicant is not involved in any manner in the instant crime. He has been falsely implicated. He submits that prosecutrix was examined before the trial Court on 24.9.2021 in which she has not levelled any allegation against the applicant. In fact, she has denied suggestion given by the public prosecutor of her statements under Section 161 and 164 Cr.P.C. making allegation against the applicant. He submits that copy of deposition sheet is filed as Annexure A-3. The applicant is in jail since 24.7.2020 and he may be enlarged on regular bail.
4. Shri Ashish Gupta, learned counsel appearing for the State opposes the submissions made by learned counsel for the applicant and would submit the serious allegations have been levelled in the FIR, 161 and 164 Cr.P.C. statements against the applicant also. The prosecutrix was aged about 13 years on the date of incident and thus, the applicant is not entitled to grant of bail.
5. Mother of the prosecutrix is present through virtual mode from

District Legal Services Authority, Rajnandgaon and stated 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 the nature of allegation, facts and circumstances of the case, statement made by mother of the prosecutrix before the Court, submission of learned counsel for the applicant that the prosecutrix has not supported the case of prosecution so far as it relates to applicant and even she has denied of making any allegation against the applicant during course of investigation, period of his detention since 24.7.2020, without commenting anything on merits, I am inclined to enlarge the applicant on regular bail.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that:-
 - a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge