

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8876 of 2020

- Amarsai S/o Ramdev Aged About 26 Years Caste Agariya, R/o Village Dumardih, P. S. Dhourpur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Mahila Thana, Ambikapur, District Surguja Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Gurudev I. Sharan, G.A.
For complainant	:	Mr. Mukul Chaturvedi, Advocate.

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

03-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 15.11.2020, in connection with Crime No.43/2020 registered at Police Station-- Mahila Thana, Ambikapur, District- Surguja, C.G. for offence punishable under Sections 376(2)(a) of I.P.C. and Sections 5(M), 5(J)(ii) and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. There had been an affair of the prosecutrix with the applicant and they have cohabited from May 2018 to April 2019 because of which, the prosecutrix became pregnant and gave birth to a child. It is because of some dispute, the false F.I.R. has been lodged on 18.11.2020 by the father of the prosecutrix, which is clearly false. There is no case against the applicant, hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor on the date and time of the incident, therefore, her willingness and consent is of no consequence. Therefore, it is prayed that the application may be rejected.
4. Learned counsel appearing for complainant submits that the complainant has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant on pretext of marrying the prosecutrix, continuously had physical relation with her, knowing well that she was not capable of giving valid consent for such relationship. As a result of which the prosecutrix became pregnant and gave birth to a female child. It was subsequent to this, the prosecutrix came to know that he was already married. Therefore, this F.I.R. was lodged. Hence, this case.
7. Considered on the submissions and the facts of the case and also considered on the statement of the witnesses and the statement of no objection made from the complainant side, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each 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