

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9226 of 2020**

Palan Singh Dhritlahre, S/o. Doman Singh Dhritlahre, aged about 20 years,
R/o. Village Chaka Penda, Police Station Nandghat, District Bemetara
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station
Dharsiwa, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. Afroj Khan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/02/2021**

1. This is the second 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.499/2019, registered at Police Station – Dharsiwa, District – Raipur (C.G.) for the offence punishable under Section 376 (3), 376 (2) (᳚) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 313 and 312 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 14.07.2020 in M.Cr.C. No.1689 of 2020 with liberty to revive the same after examination of the prosecutrix.

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 on the date of incident. The prosecutrix has been examined in the trial and her statement shows that she was willing and consenting party. The applicant is in jail since 30.10.2019. 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 prosecutrix was minor, therefore, her willingness or consent is of no consequences, therefore, the application be rejected.
4. Prosecutrix is present in person before this Court on notice and she has stated that she has no objection in grant of bail to this applicant.
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 came to the house of the prosecutrix and despite her objections had physical relation with her. This continued for sometime until the minor prosecutrix became pregnant, subsequent to which, the FIR has been lodged.
7. Considered on the submissions. Taking into consideration that the applicant is intending to challenge the minority of the prosecutrix and other circumstances and also that the prosecutrix has been examined before the trial Court regarding which there is no need to make any comment, 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