

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9486 of 2020

- Govinda Janghel S/o Late Mahaveer Janghel, Aged About 25 Years, R/o. Village Bortara, Police Station Saja, District Bemetara (C.G.) At Present R/o. Housing Board Colony, L.I.G.103, Amleshwar, Police Station Amleshwar, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Kabir Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. T.K. Jha, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

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

18-03-2021

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 09-11-2020 in connection with Crime No.127/2020 registered at Police Station – Kabir Nagar, Raipur, District Raipur, Chhattisgarh for the offence under Section 376 of the IPC and Section 6 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 not been minor. There had been affair between the applicant and the prosecutrix and also relationship between them. Because of some dispute between them false FIR has been lodged. In subsequent development the applicant and the prosecutrix both have married. The prosecutrix had appeared before the Sessions Court to make her statement of no objection in grant of bail to this applicant, which was not considered. Therefore, it is prayed that the application be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that the first incident of relation of the applicant with the prosecutrix

occurred in 2015 when the prosecutrix was minor. There is evidence that this applicant sexually exploited the minor prosecutrix continuously and then he deserted her, hence, the FIR has been lodged. Therefore, the application may be rejected.

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

5. The prosecution case is this, that the applicant was having affair with the prosecutrix since 2015 when she was minor. The prosecutrix was continuously exploited by this applicant sexually and when the prosecutrix asked to marry her the applicant refused.

6. Considered on the submissions. Looking to the development that have taken place time to time and also the present development which is this, that the applicant has married with the prosecutrix and the prosecutrix herself had appeared before the Sessions Court to support the bail application of this applicant, which is found mentioned in the rejection order, hence, under these circumstances I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge