

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9020 of 2021**

Sonu Rajwade S/o Shri Ram Lakhan Rajwade Aged About 25 Years
 (Wrongly Mention In Order Sheet Lakhan Rajwade) R/o Village
 Mudapara, Mudesra, Police Station Gandhinagar District Surguja
 Chhattisgarh. **--- Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station
 Gandhinagar, District Surguja Chhattisgarh **--- Respondent**

For the applicant : Mr. Arun Shukla, Advocate.

For the Respondent : Mr. Sanjay Pathak, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16.12.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.263/2021 registered at Police Station Gandhi Nagar, Distt. Surguja (C.G) for the offences punishable under Sections 342, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 13.06.2021 at about 12.00 in the night while the victim went out to answer the call of nature the applicant caught hold of her, gagged her mouth and took her to a nearby house where he committed forcible sexual intercourse, thereby offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix it is a case of consent and the age of prosecutrix on the date of incident is 17 years 11 months & 27 days and

since they were caught red handed, the offence is alleged to have been committed. He further submits that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 16.6.2021, therefore, he may be enlarged on bail.

4. Per contra learned State Counsel opposes the bail application and submits that when the victim appeared along with her mother on 09.12.2021 through video conferencing they opposed to grant of bail.
 5. Perused the case diary and the map which shows the place where the incident is said to have taken place. It is not in dispute that at the time of incident the prosecutrix is almost nearing the age of 18 years.
 6. Considering the age of the prosecutrix and the way the offence has been committed and further the fact that the charge sheet has been filed and the applicant is stated to be in jail since 16.06.2021, without any further observation on merits of the case, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**