

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4129 of 2020**

Ramesh Kumar S/o Sukhram Aged About 19 Years Caste Cherwa R/o
Village Kadna Police Station Sonhat, District - Koriya Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sonhat,
District - Koriya Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadh Tripathi, Advocate.
For the Respondent/State	:	Shri Gurudev I. Sharan, Dy. G.A.
For the Objector	:	Shri Jaiprakash Shukla, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2020**

Heard.

1. This is the first 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.21 of 2020, registered at Police Station – Sonhat, District – Koriya, Chhattisgarh for the offence punishable under Section 376(2)(N) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 18.2.2020 and has been falsely implicated in this case. The prosecutrix is not minor and there had been consensual relation between her and the applicant. The prosecutrix never complained until she gave birth to a child on 12.2.2020. It was a development, subsequent to which, the FIR

was lodged on 18.2.2020 on the basis of the written complaint given by the prosecutrix, therefore, the whole case is concocted. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 minor prosecutrix has categorically made a statement under Sections 161 and 164 of the Cr.P.C. making allegations against the applicant. Hence, the applicant is not entitled for grant of bail.

4. Learned counsel for the objector submits that the minor prosecutrix has strong objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case, it is alleged that this applicant physically exploited the minor prosecutrix from 17.5.2017 to June, 2019, which resulted in the pregnancy of the prosecutrix and then, she gave birth to a child on 12.2.2020. Subsequent to which, the FIR was lodged.

7. Considered the submissions and the facts present in this case. Looking to the period of detention of the applicant in jail and the other circumstances present, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge