

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 777 of 2018

- Chandra Kumar Anant S/o Siya Ram Anant Aged About 20 Years R/o Village Sarora, Thana Tilda, Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Thana Khandsara District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

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

02/04/2018

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.751/2016 registered at Police Station– Khandsara, District– Bemetara(C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 5(ठ) & 6 Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 7.1.2016. The trial against him has still not concluded. No case is made out against this applicant, as the prosecutrix was a consenting party and her age was more than 18 years on the date of incident. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that age of prosecutrix was just over 16 years at the time of incident and theory of consent of her is totally immaterial. Hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is this, that he abducted the minor prosecutrix on 16.12.2016. The FIR was lodged by father of prosecutrix and the offence under Section 363 of IPC was registered against unknown person. Prosecutrix was recovered from the custody of this applicant on 7.1.2017 and thereafter on the basis of her statement other offences were registered against this applicant.
6. Considered on the entire material present in the case diary. Presently the case is before the trial Court and as it appears that applicant is in jail since more than one year and the trial against him has still not concluded. For these reasons, I am of this view that applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge