

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 2442 of 2018**

Rajkumar Sethiya S/o Dhaniram Sethiya Aged About 37 Years R/o-  
Patelpara, Balud, P.S. Dantewada, District- Dantewada, Chhattisgarh.,  
District : Dantewada, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through- District Magistrate, Dantewada,  
Chhattisgarh., District : Dantewada, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri P.R. Patankar, Advocate.  
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****10.05.2018**

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.6 of 2018, registered at Police Station – Geedam, District Dantewada, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.2.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix in this case is a major girl and her date of birth according to Aadhar Card is 12.2.1998. In February, 2018 she

was aged about 20 years and she had been a consenting party. The applicant and the prosecutrix had love affair and they want to marry each other. They had previously married in a temple according to tribal customary method. Hence, it is prayed that the applicant 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 according to the investigation done in this case the date of birth of the prosecutrix is 12.2.2001 and on that basis, she was a minor on the date of incident. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, this applicant abducted the minor prosecutrix and then established physical relation with her on number of occasions. Hence, this case.

6. After considering the facts and circumstances of the case and the material in the case diary, I am of the considered view that this is a fit case for grant of bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge

Nimmi