

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4560 of 2018

- Akhilesh @ Chhotu S/o Uttam Nand, Aged About 19 Years, R/o- Village- Dhabakhar, Thana- Sankra, Present Address- Darrabhata, Thana- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Mr. Sachin Singh Rajput, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2018

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 26-05-2018 in connection with Crime No.151/2018 registered at P.S. - Saraipali, District- Mahasamund, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 26-05-2018. No case is made out against the applicant. The prosecutrix had on her own invited and accompanied this applicant to different places. She has made totally false allegation regarding physical relation with this applicant. Charge sheet has been filed. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, hence, any consent on her part is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. The case against this applicant is this, that the prosecutrix went missing on 17-05-2018. A missing report and FIR under Section 363 of the IPC was lodged by father of the prosecutrix. The prosecutrix was recovered on 24-05-2018, thereafter, she gave her statement that she had been in company of the applicant and both of them had physical relation during their stay in different places.
6. Considered on the material present in the case diary. It appears that this is a case of love affair. After due consideration on the material present, I feel inclined to grant regular bail to this applicant.
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