

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6783 of 2017

- Suraj Tandon @ Bhakanand @ Bhuneshwar S/o Rajendra Tandon, Aged About Not Mentioned In The Order Sheet Of The Learned Court Below, R/o Kosamkhunta, P.S. Arang, District Raipur, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Arang, District Raipur, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Dharendra Kumar Shukla, Advocate.

For Respondent : Mr. Vivek Singhal, Panel Lawyer.

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

15/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.319/2017, registered at Police Station Arang, Civil and Revenue District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code (for short 'IPC') and Sections 4 & 6 of the 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. The age of the prosecutrix is above 18 years and she of her own submitted herself for sexual intercourse before the applicant and physical relationship was made. No offence is made out against the applicant. Hence, it is prayed that

applicant may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the age of the prosecutrix was 16 years on the date of incident and her consent in such case is immaterial. Hence, applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case of the applicant is this that he abducted minor prosecutrix age of 16 years with promise to marry her and after abducting her, he had physical relationship with her.
6. Considered the submissions made and contents of the case diary. Taking into consideration this fact that under Section 164 of Cr.P.C., I am of this considered view, that this is a fit case where applicant should be enlarged 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