

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3889 of 2019**

Ashish Tandan S/o Aman Tandan Aged About 21 Years R/o Bhinoda, Thana Sarsiwa, District Baloda Bazar-Bhatapara Chhattisgarh., At Present R/o Manikpur, Thana Manikpur, District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Thana Sersiwa, District Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Deepak Jain, Advocate.
For the Respondent/State : Shri Vikram Dixit, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2019**

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.40 of 2019, registered at Police Station – Sersiwa, District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 3 and 18 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant 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 was a major girl who had on her own willingness accompanied with this applicant to different places thereafter, both of them have married and living as husband and wife. Hence, for these reasons, 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 the prosecutrix was minor on the date of incident. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, this applicant abducted the minor prosecutrix, thereafter, taking her to different places and exploited her sexually. Hence, this case.

6. On perusal of the statement given by the prosecutrix under Section 164 of the Cr.P.C, I feel inclined to grant bail to the applicant in this case.

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 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