

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3912 of 2019**

Khelan Patel S/o Kanhaiya Patel Aged About 23 Years Residing At Village Tuta Patel Para Naya Raipur, Police Station Rakhi District Raipur Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through The Police Station -Kondagaon, District Kondagaon Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. P.K. Tulsyan, Advocate   |
| For Respondent/State | : Mr. Shubhash Yadav, Dy.G.A.. |

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

**Order On Board**

**24/07/2019**

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.232/2018, registered at Police Station – Kondagaon, District – Kondagaon (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 22.09.2018. The prosecutrix has been examined before the trial Court and she has made admission that she was not minor on the date of incident and she has willingly submitted for physical relation to the applicant, therefore, nothing is left for prosecution of the applicant. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix had a love affair. Thereafter, the applicant after alluring the prosecutrix with false promise to marry her abducted the minor prosecutrix and while staying in different places he has physical relation with her, which amounts to offence of rape. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After considering on the material present in the case diary and also perused the certified copy of the deposition of the prosecutrix filed along with the application, on the basis of admission made by her in her cross-examination, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge