

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4026 of 2019**

Sudarshan S/o Shri Ramesh Sahada Aged About 24 Years R/o Village Mudpar, Police Station Chilhati, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Chilhati District- Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri S.S. Baghel, Advocate.
For the Respondent/State : Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2019**

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.10 of 2019, registered at Police Station – Chilhati, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.3.2019 and has been falsely implicated in this case. The age of the prosecutrix is above 18 years, she had willingly accompanied the applicant and they were about to marry when they were called back by their parents.

After coming back, the applicant has been falsely implicated in this case. The prosecutrix has made a favourable statement under Section 164 of the Cr.P.C. 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 the prosecutrix was minor on the date of incident and her consent is immaterial. 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 aged about 16 ½ years and then taking her to different places he has exploited her sexually. Hence, this case.

6. After perusing the statement of 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 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. 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

Nimmi