

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4325 of 2019**

Vinod Dewangan S/o Santosh Kumar Dewangan Aged About 28 Years R/o Parsuram Ward - Bhatapara, Tahsil And Police Station - Bhatapara, District - Baloda - Bazar - Bhatapara - Bazar - Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - S. H. O. Police Station - Bhatapara (Gramin) District - Baloda - Bazar - Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Hemant Gupta, Advocate.
For the Respondent/State : Shri Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.08.2019**

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.146 of 2019, registered at Police Station – Bhatapara (Gramin), District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 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 10.6.2019 and 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 is a major woman of age more than 18 years and the statement of the prosecutrix under Section 164 of the Cr.P.C. itself shows that she was a consenting party. 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 below 18 years on the date of incident, therefore, any consent of the prosecutrix in such a case is immaterial. Hence, for these reasons, 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 and has exploited her sexually. Hence, this case.

6. After perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C. and also considering the fact that the age proof of the prosecutrix is based only on the entry in the school register, therefore, 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