

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4854 of 2019

- Roshan Dhruv S/o Mithlesh Dhruv Aged About 21 Years R/o Nawagaon, Thana- Mandir Hasaud, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mandir Hasaud, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocates.
For Respondent/State	:	Mr. Priyanshu Gupta, Panel Lawyer.

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

20/08/2019

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.117/2019 registered at Police Station–Mandir Hasaud, District–Raipur(C.G.) for the offence punishable under Sections 363, 366, 376(2)(N) of the Indian Penal Code and Section 4 & 6 of 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. Applicant is in jail since 30.3.2019. No case is made out against this applicant. The prosecutrix in this case is of age 18 years and she had been a consenting party according to the statement given by her under Section 164 of CrPC, hence, it is prayed that this applicant may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix is a minor girl according to the proof of school entry register, therefore, any consent given by her is immaterial, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, this applicant proposed to the prosecutrix that he loves her and wants to marry her and, thereafter, he abducted her on 17.3.2019, took her to different places and exploited her sexually. The prosecutrix was recovered on 29.3.2019. Hence, this case.
6. Considering the statement given by the prosecutrix under Section 164 of CrPC and also that the only proof of age in the case diary regarding the prosecutrix is the school entry register, which has been disputed by the applicant side, therefore, under these circumstances, I feel inclined to allow the application of this applicant.
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 regular 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