

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4844 of 2019

- Amit Kumar Mishtri, S/o Babulal Mishtri, Aged About 24 Years, R/o Village Singho, P.S.- Tishari, District- Giridhi, Jharkhand.

---- Applicant

Versus

- State of Chhattisgarh Through Incharge Office Of Police Station City Kotwali, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, 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.424/2019 registered at Police Station–City Kotwali, District–Raigarh(C.G.) for the offence punishable under Sections 363, 366(A), 376 of the Indian Penal Code and Section 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 6.7.2019. No case is made out against this applicant. The prosecutrix has given statement under Section 164 of CrPC which is in favor of this applicant, 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 on the date of incident, 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, applicant allured the prosecutrix with promise to marry her and by abducting her, took her to different places where he exploited her sexually. Hence, this case.
6. After perusing the statement of the prosecutrix under Section 164 of CrPC, 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

Nisha