

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4901 of 2019

- Raghvendra Vanshkar S/o Rajaram Vanshkar, Aged About 21 Years, R/o Village Khiriya, Post Tighrakala, Chandal Bhandar, Police Station Bhandar, District Datiya (M.P.) At Present R/o Agrasen Chowk, Opposite Manglam Chowk, Police Station Aajad Chowk, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Aajad Chowk, Civil and Revenue District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Smt. Sunita Sahu, Advocate.

For Non-applicant/State – Shri Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-04-2019 in connection with Crime No.126/2019 registered at P.S. - Aajad Chowk, Civil and Revenue District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 24-04-2019. The prosecutrix was major on the date of incident and she had been a consenting party and she has given statement under Section 164 of the Cr.P.C. in support of the applicant. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was only 17 years on the date of incident, therefore, any consent given is immaterial. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and took her to Jhansi, Uttar Pradesh where he exploited her sexually until she was recovered by the police.
6. After perusing the statement given by the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge