

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5053 of 2019**

Suraj Kumar S/o Late Mahaveer Kurre Aged About 22 Years Caste -
Satnami, R/o Kotadabri Charan Nagar, Champa, Police Station And Tahsil
Champa, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Of Police Station Champa,
District Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Govind Dewangan, Advocate.
For the Respondent/State	:	Shri Avinash K. Mishra, P.L.
For the Objector	:	Shri Dharmesh Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.09.2019**

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.260 of 2016, registered at Police Station – Champa, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 363, 366, 366(A) 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 11.7.2019 and has been falsely implicated in this case. This applicant has not committed any offence. The applicant and the prosecutrix both had

love affair and they were leading a married life. The age of the prosecutrix was not below 18 years on the date of incident and she had been a consenting party. The applicant and the prosecutrix both have married and are having a child. Further, the prosecutrix has no objection in grant of regular bail to the applicant. 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 of age 16 years when the first incident occurred, therefore, her consent is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

4. Learned counsel for the Objector submits that the complainant and the prosecutrix have no objection in grant of regular bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, the prosecutrix was minor aged about 16 years when she was abducted by this applicant on 27.10.2016 and taken to Jammu & Kashmir. It is alleged that this applicant has exploited the minor prosecutrix sexually. A missing report was lodged. When the prosecutrix was recovered from the custody of this applicant then on the basis of her statement, the offences have been registered against the applicant.

7. Considered the entire material present in the case-diary and also considering the fact that the application filed by the prosecutrix before this Court making a statement of no objection in grant of regular bail to the applicant. Hence, for these reasons, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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