

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5349 of 2019

- Hirau Chakradhari, S/o Aganu Chakradhari, Aged About 22 Years, R/o Village-Khopali, Thana & Tahsil Bagbahara, District-Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Khallari, District-Mahasamund Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate.
For Respondent	:	Mr. Sanjay Pathak, Panel Lawyer.

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

24/09/2019

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.185/2018 registered at Police Station–Khallari, District– Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children From Sexual Offences Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 17.7.2019. He has not committed any offence. The prosecutrix is of age above 18 years. Applicant has lawfully married the prosecutrix and she is living in his house in village-Khopali, District- Mahasamund. The

prosecutrix is also present before this Court to make an statement of no objection in grant of bail, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that prosecutrix was minor on the date of incident, therefore, no case is made out for grant of bail to the applicant.
4. Prosecutrix is present in person before this Court. She has been identified by the counsel for applicant. She has made a statement that she has no objection in grant of bail to the applicant and, further, she has married to the applicant and is living in the matrimonial home.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix of age about 16 years and 5 months and then has exploited her sexually. Hence, this case.
7. Taken into consideration the statement made by the prosecutrix, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on 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