

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 751 of 2020

Lakhan Gupta, S/o Mayalal Gupta, Aged About 31 Years, R/o Sudamapuri Mohalla, Atarra, District- Banda (U.P.)

--- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station Ratanpur, District- Bilaspur (C.G.)

--- Respondent

For Applicant	:	Mr. Rajeev Kumar Dubey, Advocate.
For State/Respondent	:	Mr. Ravish Verma, Govt. Advocate.
For Objector	:	Mr. Ashwini Kumar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16/06/2020

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. 28/2020, registered at Police Station- Ratanpur, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of Protection of Children from Sexual Offence Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.01.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The age of the prosecutrix on the date of incident was above 18 years and she was a consenting party. Parents of the prosecutrix have given affidavit before the Sessions Court making statement

that age of the prosecutrix was 18 years 2 months on the date of incident and they do not have any objection in granting bail, which was not considered by the Sessions Court. This applicant has not committed any offence, 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 submitting that according to age proof collected in the investigation, age of the prosecutrix was only 15 years and 6 months on the date of incident. Further, the applicant is resident of District- Banda (U.P.) and he may not be available for trial, therefore, the applicant is not entitled for grant of regular bail.
4. Learned counsel appearing for the complainant, who is father of the prosecutrix submits that he has no objection in granting bail to the applicant.
5. Heard counsel for both the parties and perused the records.
6. As per the facts of the case, it is alleged that this applicant abducted the minor prosecutrix and then, he has exploited her sexually regarding which FIR has been lodged.
7. The rejection order mentioned filing of affidavit by parents of the prosecutrix mentioning age and majority of the prosecutrix and also that they have no objection in granting bail to the applicant. Further, the statement of no objection is made by the counsel appearing on behalf of complainant/ father of the prosecutrix, under these circumstances, I am of the view that it would be proper to release the applicant on regular bail, hence, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge