

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1207 of 2020

- Ashwani Tunde @ Ashwani Satnami S/o Sethram, Aged About 20 Years, R/o Nearby Talab Labhandi, Police Station Telibandha, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Telibandha, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Rekhraj Baghel, Advocate.

For Non-applicant/State – Shri Chandresh Shrivastava, Deputy A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-06-2020

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 11-11-2019 in connection with Crime No.178/2019 registered at Police Station - Telibandha, Raipur, District – Raipur, Chhattisgarh for the offence under Section 366, 376(2)(n) of the IPC and Section 6 of Protection of Children from Sexual Offences Act

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 11-11-2019. No case is made out against him. The prosecutrix has stated very clearly in her statement under Section 164 of the Cr.P.C. that she has consented to marry the applicant and have physical relation with him and also submitted that she was not minor on the date of incident. Charge sheet has also been filed. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the school register the prosecutrix was minor on

the date of incident, therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, the applicant abducted the minor prosecutrix and took her to various places where he exploited her sexually, then he also performed a sham marriage in a temple for continuous exploiting her sexually. Hence, this case.

6. After considering facts and circumstances of this case and also that the age of the prosecutrix has been disputed by the applicant side, 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