

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1917 of 2020**

Deepak Kumar Kewat, S/o. Ramesh Kumar Kewat, aged about 19 years, R/o.
Gram Tekari, P.S. Pachpedi, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : the Police Station Kasdol, District :
Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	: Mr. Anjinesh Shukla, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/08/2020**

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.289/2019, registered at Police Station – Kasdol, District Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. In the statement given by the prosecutrix under Section 164 of Cr.P.C., she has stated about her willingness in

accompanying and staying with the applicant. The applicant is in jail since 14.01.2020. The prosecutrix is not minor on the date of incident and she and the applicant both have performed marriage and at present, the prosecutrix is residing in the house of her in-laws. Therefore, it is prayed that the applicant may be released 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 age of the prosecutrix was just above 14 years on the date and time of incident, therefore, any consent and willingness on her part is immaterial. Therefore, the application be rejected.
4. Complainant is present today before this virtual Court through Help Desk of this High Court and he has made statement of no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age about 14 years and 4 months then keeping her in his custody in Raipur and Pune he exploited her sexually. He has also performed sham marriage with the prosecutrix.
7. Considered on the submissions and facts of the case. Looking to the statement that prosecutrix has given to the police in the investigation and also the no objection statement made by the complainant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram