

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2138 of 2020

Sahil @ Sirajuddin, S/o Seikh Nasimuddin (Nasimuddin Seikh), Aged About 18 Years, R/o Near Verma Kirana Store, Shashtri Nagar, Mandi Road, Gali No. 02, Fafadih, Raipur, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Police Station Devendra Nagar, Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For Respondent	:	Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15/06/2020

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. 221/2019, registered at Police Station- Devendra Nagar, Raipur, District- Raipur (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 05.12.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix in the present case is a consenting party and is not minor. Physical relation has been made in February, 2019 for which the FIR has been lodged which is delayed by 10 months.

The trial has come to stand still because of pandemic situation, 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 age of the prosecutrix is below 17 years and the consent given by her is immaterial, therefore, the applicant is not entitled for grant of regular bail.
4. Heard counsel for both the parties and perused the records.
5. As per the facts of the case, the minor prosecutrix was in acquaintance with the applicant for about 5 years. Firstly, the physical relation was made in February, 2019. Secondly, the applicant enticed the minor prosecutrix and then he had made physical relation with her. It is alleged that on 04.12.2019, the applicant again called the prosecutrix. The prosecutrix was picked up by the applicant on his motor-cycle and riding, when relatives of the prosecutrix discovered them. The prosecutrix was produced in police station and thereafter, FIR has been lodged.
6. After considering the facts and circumstances of the case and looking to the situation that due to pandemic, the normal functioning of Court is affected and trial of the case is not going on, therefore, 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.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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

Arun