

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2218 of 2020

- Amardeep S/o Bhagwat Prasad Mersa, Aged About 21 Years, R/o Lauda, Police Station- Patharia, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Patan, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Bharat Rajput, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-08-2020

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 19-02-2020 in connection with Crime No.17/2020 registered at Police Station – Patan, District- Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The prosecutrix is not minor. The proof of entry in the school register is not conclusive. The radiologist report itself shows that age of the prosecutrix is between 17 to 18 years. The applicant is in jail since 19-02-2020. Further, the complainant side also has no objection in grant of bail to the applicant. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the date of incident the age of the prosecutrix was 15 years and 6 months, therefore, any consent or willingness on her part is of no consequence. Hence, the application may be rejected.

4. Shri Dharendra Prasad Mishra, counsel appearing for the complainant submits that he has no objection in grant of bail to the applicant. An application supported with affidavit has also been filed from the complainant side stating that the complainant has no objection in grant of bail.
5. Heard learned counsel for the parties and perused the documents.
6. As per the prosecution case, it is alleged that this applicant enticed the minor prosecutrix and after abducting her he has also exploited her sexually on number of occasions regarding which the FIR has been lodged.
7. After considering on the submissions and also the statement of no objection made by the complainant side, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge