

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2614 of 2020

- Ankit Kumar Garg @ Pili @ Nanu S/o Ganesh Ram, Garg, Aged About 21 Years R/o Village - Tedaipara Adbhad, Chouky Adbhad, District - Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chouky Jutemil, Police Station - Kotwali, Raigarh, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-06-2020

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 11-04-2020 in connection with Crime No.643/2019 registered at P.S. – Police Chouky Jutemil, Police Station – Kotwali, Raigarh, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of the 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 applicant is in jail since 11-04-2020. No case is made out against him. The prosecutrix has given statement under Section 164 of the Cr.P.C., according to which, it is clear that this applicant has not committed any offence. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix being minor of age below 16 years any consent given by her is immaterial. Therefore, the application may be rejected.

4. The prosecutrix and complainant Dukalu Sonwani are present before this virtual Court through Help Desk of the High Court of Chhattisgarh. They have made statement that they have no objection in grant of bail to the applicant.
5. Heard the submissions made and perused the documents.
6. As alleged this applicant abducted the minor prosecutrix and then committed offence of rape with her on pretext that he will marry her.
7. Considering the development that prosecutrix and the complainant have no objection in grant of bail to the applicant, 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